

MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, SEPTEMBER 10, 2012

Mayor For A Day Madeline Dennerline called the regular meeting to order at 6:05 p.m. at the Hillsborough Town Hall, 1600 Floribunda Avenue, Hillsborough, California.

ROLL CALL: Present: Kasten, Benton, Krolik, Chuang, May

Mayor Kasten reported that due to lack of additional information, the Closed Session item, Conference with Legal Counsel – Anticipated Litigation, was cancelled.

MINUTES: The minutes of the August 13, 2012 and August 23, 2012 City Council meetings were approved as submitted.

RECOGNITION:

- Mayor Kasten presented Madeline Dennerline with a certificate recognizing her as the Mayor For A Day. He stated that Maddy is 11 years old and is a sixth grader at Crocker Middle School. He also stated that Maddy moved to Hillsborough three years ago from Saratoga, California, has two older sisters and one younger brother, one dog, two cats, fish and a most favorite fuzzy Holland Lop bunny named Rex. Mayor Kasten stated that Maddy is on the Burlingame Aquatic Club Swim Team where she swims five days a week and her hobbies include guitar, running and art, and that she hopes to be an Olympic swimmer and one day a veterinarian. He added that she recently visited the Grand Canyon where she attempted to scale the side. Mayor Kasten thanked Maddy for being the Mayor For A Day and wished her all the best.

CONSENT CALENDAR:

Items 6 and 7 of the Consent Calendar were removed for discussion. On motion of Councilmember Krolik, seconded by Vice Mayor Benton, and unanimous on voice vote, Consent Calendar items 1-5, 8 and 9 were approved.

1. MONTHLY CLAIMS: AUGUST 1 THROUGH AUGUST 31, 2012

The monthly claims for the month of August 2012, in the amount of \$3,866,630.13 were approved as submitted.

2. RESOLUTION AMENDING AND RESTATING THE APPENDIX OF DESIGNATED POSITIONS FOR THE CONFLICT OF INTEREST CODE FOR THE TOWN OF HILLSBOROUGH

The resolution amending and restating the appendix of designated positions for the Town of Hillsborough's Conflict of Interest Code was adopted.

3. NEW SIGN FOR HILLSBOROUGH SCHOOLS FOUNDATION'S ANNUAL HILLSBOROUGH CLASSIC - TENNIS TOURNAMENT AND LUNCHEON

The new sign application for the Hillsborough Schools Foundation's Annual Hillsborough Classic – Tennis Tournament and Luncheon was approved.

4. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO AN EXISTING AGREEMENT WITH RICHARDSON CONSULTING FOR CONTRACT PLANNING SERVICES FOR PURPOSES OF PROCESSING THE NUEVA SCHOOL ENTITLEMENTS

The resolution authorizing the City Manager to execute an amendment to the existing agreement with Richardson Consulting for contract planning services for purposes of processing the Nueva School entitlements was adopted.

5. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ATKINS NORTH AMERICA INC. FOR PREPARATION OF AN INITIAL STUDY

AND MITIGATED NEGATIVE DECLARATION FOR THE 2012 NUEVA SCHOOL MASTER PLAN UPDATE

The resolution authorizing the City Manager to execute an agreement with Atkins North America Inc. for preparation of an Initial Study and Mitigated Negative Declaration for the 2012 Nueva School Master Plan Update in an amount not to exceed \$51,405 was adopted.

6. RESPONSE LETTER TO THE SAN MATEO COUNTY GRAND JURY REPORT, "DOES SAN MATEO COUNTY NEED 13 SEPARATE POLICE DISPATCH CENTERS?"

Vice Mayor Benton stated that he spoke to Police Chief Mark O'Connor about the response to the Grand Jury's Finding #2 on page 1 of the response letter as the numbers did not add up and the response to the Grand Jury's Recommendation #2 on page 5 of the response letter may not be how the Hillsborough City Council wants to respond. Chief O'Connor replied that the response to Finding #2 should be 15 municipal agencies to total 17 law enforcement agencies.

The Councilmembers, Chief O'Connor and City Manager Anthony Constantouros discussed consolidation of police dispatch across the County, the Hillsborough Police Department's dispatch center, and the response to the Grand Jury Report. Mayor Kasten recommended moving the conclusion paragraph on page 5 of the response letter to the beginning of the response letter. Mr. Constantouros recommended adding "but are open to further analysis" at the end of the first sentence of the response to Recommendation #2.

On motion of Vice Mayor Benton, seconded by Councilmember Krolik, and unanimous on voice vote, the Town's response to the San Mateo County Grand Jury Report, "Does San Mateo County Need 13 Separate Police Dispatch Centers?", was approved with the City Manager's suggestion to add at the end of the first sentence of the response to Recommendation #2 on page 107 of the City Council agenda packet "but are open to further analysis" and the Mayor's recommendation to move the conclusion paragraph to the beginning of the response letter, and the Mayor was authorized at his discretion to make additional changes as discussed to the response letter.

7. RESOLUTION APPROVING THE PURCHASE OF ONE REPLACEMENT PUBLIC WORKS POOL CAR

Councilmember Krolik stated that the Public Works pool car is only driven 2,200 miles per year, and asked if it would be more cost effective to have staff use their own cars and be reimbursed for the mileage for official Town business. Interim Public Works Director Matt O'Connor explained that the air conditioner, windshield wipers and defroster do not work in the current pool car, so staff members have been using their own cars for Town business. He stated that considerably more miles would be put on the new pool car if staff did not use their own cars. He further stated that there are liability issues with the use of personal vehicles.

On motion of Councilmember Krolik, seconded by Councilmember May, and unanimous on voice vote, the resolution awarding the bid for the purchase of one 2012 Ford Fusion vehicle from Towne Ford in Redwood City for the amount of \$18,330.06 allocated from the Public Works Capital Vehicle Replacement Fund was adopted.

8. RESOLUTION APPROVING THE CONSULTING AGREEMENT WITH URS CORPORATION FOR SUPPORT SERVICES AND MAINTENANCE OF THE TOWN'S GIS SYSTEM

The resolution approving the agreement with URS Corporation for support services and maintenance of the Town's GIS system in an amount not to exceed \$47,000 per year during the initial two-year term, which will be allocated equally from the Sewer and

Water Funds, and authorizing the City Manager or designee to sign the agreement on behalf of the Town was adopted.

9. RESOLUTION AWARDING A TWO-YEAR CONTRACT TO AGUILAR & SONS FOR STREET DIG-OUT REPAIR ON-CALL SERVICES

The resolution awarding to Aguilar & Sons the two-year contract for street dig-out repair on-call services and authorizing the City Manager or designee to sign the contract on behalf of the Town was adopted.

PUBLIC HEARING:

10. URGENCY ORDINANCE EXTENDING THE TEMPORARY MORATORIUM ON THE ISSUANCE OF PERMITS FOR WIRELESS COMMUNICATIONS FACILITIES FOR TEN MONTHS AND FIFTEEN DAYS - ADOPTION

Assistant City Manager Katharine Leroux announced that the City Council at its August 13, 2012 meeting adopted an urgency ordinance establishing a 45-day moratorium on the issuance of permits for the installation or modification of wireless communications facilities. She stated that the Town's current ordinance was adopted in 2006 and there have been significant court rulings that have reshaped how wireless ordinances and policies are to be applied. She reported that in the weeks following the adoption of the 45-day moratorium, staff has been working with special counsel, Jonathan Kramer, who has been comparing how the Town's wireless ordinance conflicts with existing state and federal laws.

Ms. Leroux stated that based on research and investigation that is needed, along with the uncertainty of ongoing court cases, it has become apparent that it is unrealistic that the Town's wireless facilities ordinance can be updated in the current 45-day timeframe. She added that a tentative work schedule was included in the City Council agenda packet. She stated that staff is requesting that the City Council approve the extension of the moratorium for an additional ten months and fifteen days as per California Government Code Section 65858 so that an in-depth ordinance revision can be completed in a careful manner. She reported that a public hearing and a roll call vote of a four-fifths vote of the City Council is required for adoption of the urgency ordinance. She added that Mr. Kramer was there to answer any questions.

Mayor Kasten asked if the City Council had any questions.

Councilmember Chuang asked who would be invited to the interested party meetings listed on the work plan. Mr. Kramer replied that the interested parties would include both the Hillsborough citizens and the wireless companies, but that it would be more beneficial to hold separate meetings for the two groups and that the meetings would occur at least twice during the process of developing the revised Wireless Communications Facilities ordinance. He reported that the public meetings will be noticed to the public and that working documents would be provided in these interactive meetings. He stated that it is better to separate the citizen and wireless company meetings for maximum value. He added that the draft Wireless Communications Facilities ordinance will be brought back to the City Council for their consideration.

Vice Mayor Benton asked if there would be any problem with meeting the timeline of the ten month and fifteen day extension. Mr. Kramer replied that he felt confident that he could get the revised ordinance done before August 9, 2013, but that the state allows for one more extension for an additional one year. He stated that he did not think that an additional extension would be needed to achieve the Town's goals.

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

On motion of Councilmember Krolik, seconded by Vice Mayor Benton, and unanimous on a roll call vote of 5-0, the urgency ordinance extending the moratorium on the

issuance of permits for wireless communications facilities for a period of ten months and fifteen days following the end of the current 45-day moratorium which expires on September 27, 2012, was adopted.

11. ORDINANCE AMENDING CHAPTER 3.10 OF THE HILLSBOROUGH MUNICIPAL CODE REGARDING ALTERNATIVE BIDDING PROCEDURES - ADOPTION

City Engineer Paul Willis provided a Power Point presentation on the Ordinance Amending Chapter 3.10 of the Hillsborough Municipal Code – Adoption. He stated that the Uniform Public Construction Cost Accounting Act was established in 1983 whereby the state set the limit at \$100,000 for an informal bid limit. He further stated that bid limits are evaluated every five years by a state commission. He reported that in 2005 the bid limit was increased to \$125,000 and in 2011 the bid limit was increased to \$175,000. He reported that on July 14, 2003, Hillsborough elected to participate in the Uniform Construction Cost accounting procedures and revised Chapter 3 of the Hillsborough Municipal Code.

Mr. Willis reviewed the current and proposed bidding procedures. He also reviewed the advantages of the alternative bidding procedures which include improved flexibility and transparency, improved time and preparation of plans and specifications, improved delivery and completion of small projects, encouragement of small contractors to participate which improves bids, shorter advertising period (10 days versus 30 days), bonding requirement options, pre-qualified bidders list and electronic notification of projects, streamlined award process, and reduced report filing requirements.

Mr. Willis provided a list of the 16 municipalities in the Bay Area of the 813 agencies in the state participating in the proposed bidding procedure.

Councilmember Krolik asked if Mr. Willis if Redwood City participated in the proposed bidding procedure when he worked for the City of Redwood City as Redwood City was not one of the agencies participating in the procedure. Mr. Willis replied that the City of Redwood City did not participate in the alternate bidding process sponsored by the state as Redwood City is a Charter City and rather adopted their own informal bidding procedures for projects over \$100,000.

Mayor Kasten asked if there will be a prequalifying checklist for potential bidders. Mr. Willis replied that there would be a downloadable form and that staff would verify the records of potential bidders with the State Board before formally putting bidders on the pre-qualified bidders list.

Councilmember May asked when the City Council would be notified about the award of projects at \$100,000. Mr. Willis replied that a monthly report could be provided to the City Council on projects awarded at \$100,000 or less for Capital Improvement Plan projects.

Mayor Kasten opened the public hearing. There were no comments. The public hearing was closed.

On motion of Councilmember May, seconded by Councilmember Krolik, and unanimous on voice vote, the ordinance modifying Hillsborough Municipal Code Chapter 3.10 regarding alternative bidding procedures was adopted.

NEW BUSINESS:

12. PRELIMINARY REVIEW OF THE PROPOSED NUEVA SCHOOL MASTER PLAN UPDATE 2012

Mayor Kasten announced that in order to avoid any appearance of a conflict, Elizabeth Cullinan, Director of Building and Planning, will be recusing herself from review of the 2012 Nueva School Master Plan Update. He explained that Ms. Cullinan's son attends the Nueva School summer camp and has been attending for the past two years, and

due to the possibility of continued future relationships with Nueva School, staff felt it was best for Ms. Cullinan to remove herself from participation in the review of this project to avoid the appearance of or any potential conflict of interest. He reported that Ms. Cullinan has left the City Council Chambers and that Associate City Planner Serena Nevarez will be presenting the proposed 2012 Nueva School Master Plan Update.

Ms. Nevarez provided a Power Point presentation on the 2012 Nueva School Master Plan Update. She stated that Nueva is located on a 33.7 acre site in the residential zoning district, which allows private schools with a permit to operate. She stated that Nueva is adjacent to Highway 280, residential neighborhoods and open space areas. She reported that Nueva had their 1996 Master Plan approved to increase their enrollment to 400 students and to allow 60,000 square feet of new building area, a phased development, on-campus housing, and a 40-foot height allowance specifically for the theater. She stated to date 37,540 square feet of buildings have been constructed and 22,406 square feet remain to be built as a part of the 1996 Master Plan approval.

Ms. Nevarez reported that Mayor Kasten and Councilmember May were appointed to a Nueva subcommittee in January of 2012 and that they attended a meeting in mid-January and in June. She stated that the applicants have tiered their public outreach to the adjacent neighbors, neighbors within a 500-foot radius of the school, and residents from the 1996 meetings. She also stated that Nueva will continue their outreach through Hillsborough Neighborhood Network (HNN) and HillsboroughTogether.

Ms. Nevarez stated that the 2012 Nueva School Master Plan Update requests an additional 18,040 square feet which includes, but is not limited to, the expansion of the existing café, a covered sports court, a new theater with 475 seats, an environmental center and middle school classrooms; and an increase in enrollment to 500 students. She added that the applicants understand the need and benefit of on-campus housing; however, it is not projected to be constructed in the next fifteen years. Ms. Nevarez reviewed the square footage built to date, the approved area still remaining, and the increase proposed for 2012, which would total 120,040 square feet for the site. She stated that the approval process requires an environmental review and amendments to the permit to operate, Zoning Code and General Plan. She explained that the Zoning Code would need to be amended to adjust the enrollment number and refine some of the language.

Ms. Nevarez reviewed the proposed timing and schedule for the proposal and stated that the item would be brought back to the City Council at the March and April 2013 City Council meetings.

Ms. Nevarez recommended that the City Council invite public comment and provide staff and the applicant with any guidance regarding the proposal. She stated that no action is required as this agenda item was for information only, and she offered site visits for the City Council.

Mayor Kasten welcomed Diane Rosenberg, Executive Director of Nueva School, and her team. Ms. Rosenberg reported that Nueva was founded 45 years ago and has been in Hillsborough the past 41 years. She stated that Nueva's mission is to inspire passion for lifelong learning and to provide students with the tools they need to make choices that will benefit the world. She explained that the Master Plan Update addresses many pressing needs of the school including replacement of several buildings that have outlived their expected lifespan. She stated that Nueva has worked hard to be a good neighbor by providing the community access to walking trails and recreational playing fields; several community-oriented programs open to all Hillsborough families, including the Speaker Series, summer camps, after-school enrichment classes and STEM fair; and Hillsborough emergency resources. She reported that Nueva's Strategic Plan includes the development of a high school in the Bay Meadows development in San Mateo. Ms. Rosenberg thanked the City Council for their consideration of the proposed plan.

Jennifer Devlin, lead architect with EHDD Architecture, provided a Power Point presentation on the 2012 Nueva School Master Plan Update. She reviewed the 1996 Master Plan and reported that 22,460 square feet remain to be built. Ms. Devlin reviewed the key changes to the 2012 Master Plan Update which includes an increase in enrollment, total building area and parking spaces. She reported that Master Plan changes include a reduction in the square footage of the theater, no on-campus housing, and construction of the multi-purpose building. She also reported that the new Master Plan includes a covered sports court, an environmental center, more middle school classrooms, café expansion and more administrative space. Ms. Devlin stated that this update is intended to position Nueva as a leader in environmental sustainability.

Ms. Devlin provided slides on the existing site plan and 2012 Master Plan Update site plan and reviewed the proposed pedestrian and vehicular campus circulation, and campus parking and traffic study findings for the existing and proposed drop-offs.

Ms. Devlin asked the City Council if they had any questions.

Councilmember May asked why the 2012 Master Plan Update did not include on-campus housing. Ms. Rosenberg replied that on-campus housing was not included because of financial reasons, but that hopefully on-campus housing can be included as there is a great need for it.

Councilmember May asked if there is a need for the proposed increased size of the middle school. Ms. Rosenberg replied that there has been extensive interest with many qualified students wanting to attend the middle school at Nueva, but the campus does not have the space for additional students. Councilmember May stated that when the City Council subcommittee met with Nueva, the original thinking was that the middle school was needed to increase the high school enrollment. Ms. Rosenberg replied that even without the high school, Nueva will still request an increase in enrollment.

Councilmember May asked about the preliminary traffic study conducted at Black Mountain Road because he reported that he encountered heavy traffic at 8:00 a.m. one morning. He also asked how the additional traffic at Skyline Boulevard would be mitigated with the increased enrollment at Nueva. Ms. Rosenberg replied that with the additional enrollment of 100 students, Nueva has measures in place such as bus service, carpooling and staggered pick up times. Councilmember May recommended that Nueva conduct further studies on the potential traffic impact with the addition of 100 students.

Colin Burgett, consultant with Nelson Nygaard, stated that the presubmittal traffic report showed that the increase of 100 students represents a 25 percent increase over existing conditions and that the forecasted increase in vehicle trips would be 100 vehicle trips during the peak hour. He reported that the number of additional peak hour cars expected with the increased enrollment will not significantly impact the congestion at the Black Mountain Road/Hayne Road intersection. He stated the next step would be an environmental review to look at the level of service and traffic speed of the 4,000 cars that travel on Skyline Boulevard.

Councilmember May asked what precedent the Town would be setting by granting the modifications to Nueva. He also asked if other schools in Hillsborough would be allowed to expand their campuses. Ms. Nevarez replied that if Nueva is allowed to make the modifications to the campus, it would not preclude other schools in Hillsborough from requesting enrollment increases; however, it would be based on their site acreage.

Councilmember Krolik asked what fees and taxes the Town collects from Nueva and if there would be an increase in fees and taxes with the increased enrollment. Ms. Nevarez replied that Nueva is exempt from taxes. Councilmember Krolik recommended that Nueva work together with the Town to mitigate the additional cost for increased public safety calls.

Mayor Kasten requested that Nueva provide outreach and transparency to the community (beyond the 500-foot public notice) and to include the use of Hillsborough Together, Hillsborough Neighborhood Network and the Town of Hillsborough's e-Announcements to notify residents about the 2012 Nueva School Master Plan Update as many residents could be impacted by the additional traffic.

Mayor Kasten stated that the letter from Ms. Rosenberg dated August 22, 2012, states that there would be no on-campus housing. He asked Ms. Rosenberg if she would include on-campus housing for faculty in the 2012 Master Plan Update. Ms. Rosenberg confirmed that on-campus housing for faculty will remain in the 2012 Master Plan Update.

The Councilmembers, Ms. Rosenberg and Ms. Nevarez further discussed the 2012 Nueva Master Plan Update.

Mayor Kasten opened the public hearing.

Bonnie Fought, a Hillsborough resident, stated that she supports the Master Plan Update and that she has been a 13-year resident of Hillsborough and is Co-Chair of Nueva's Board of Trustees. She further stated that the Master Plan Update is very practical and includes replacement of aging facilities that have outlived their lifespans, and improved safety for pedestrians with the new traffic flow. She added that approval of the expansion will allow Nueva to move forward to provide for a more diverse population and more innovative programs for both Hillsborough and the broader community.

Louisa Shields, a Hillsborough resident, stated that she and her husband Tom chose to live in Hillsborough seven years ago because it is a community of lifelong learning. She further stated that Nueva students have experienced the positive impact of the updated facilities like the Hillside Learning Complex, i-Lab and renovated mansion. She stated that the new Nueva School Master Plan will enable Nueva to continue to enhance the education of students and also improve the facilities for the community to enjoy. She added that she hoped that the City Council will allow Nueva to expand.

Tom Shields, a Hillsborough resident, stated that he also supports the updated Nueva School Master Plan.

Christine Warden stated that she is a Hillsborough resident and a Nueva parent. She further stated that Nueva provides innovative programs such as their very unique summer camp that was designed by Nueva teachers and inspired by the Nueva curriculum. She stated that the 2012 Nueva Master Plan Update will address many of the needs of the school which in turn will benefit the whole community.

Eldridge Gray stated that he has been a Hillsborough resident since 2000 and that he moved to Hillsborough because of the quality of the public schools. He reported that his kids attended West, South, Crocker and Nueva Schools. He stated that he was very much in support of the Nueva Master Plan Update.

Mayor Kasten thanked all the speakers and stated that he looked forward to hearing more about the 2012 Nueva Master Plan Update. He again encouraged Nueva to provide public outreach and transparency to the community.

Councilmember Krolik stated that the 2012 Nueva Master Plan Update was very exciting. She expressed her concern that the increased enrollment would create more wear and tear on Hillsborough roads and asked Nueva to work with the Town to mitigate the additional cost to maintain the Town's roads.

Vice Mayor Benton asked what the timeframe for the 2012 Nueva Master Plan Update was. Ms. Rosenberg replied that the 2012 Nueva Master Plan Update will be phased in over several years.

Mayor Kasten closed the public hearing.

Mayor Kasten thanked the representatives from Nueva School and wished them well.

PUBLIC COMMENT:

There were no public comments.

CITY COUNCIL ITEMS:

Councilmember Krolik thanked Police Chief Mark O'Connor, the Hillsborough Police Department, Interim Public Works Director Matt O'Connor, Public Works Superintendent John Mullins and the Public Works Department for assisting in the Hillsborough Concours d'Elegance held on Sunday, August 26, 2012.

Councilmember Krolik thanked the Police Department for assisting with the Outdoor Movie Night that was held on Friday, August 31, 2012, at Town Hall.

Councilmember Chuang announced that she attended the League of California Cities 2012 Annual Conference in San Diego on September 5-7, 2012. She stated that the sessions that she attended were very interesting. She reported that she attended the League's Annual Meeting and voted on the resolutions as the Town's designated voting delegate.

Councilmember Chuang announced that she rode along with Hillsborough City School District Superintendent Anthony Ranii on the first day of school on Tuesday, August 28, 2012.

Councilmember Chuang announced that Hillsborough Neighborhood Network (HNN) had their Taco Truck Thank You event on Saturday, September 8, 2012, with approximately 80 attendees. She thanked HNN Coordinator Lia Turk for coordinating the event.

Councilmember Chuang announced that she was able to participate on a ride-along with Police Captain Doug Davis which was very exciting and that she was quite impressed with the Hillsborough Police Department's work.

Councilmember May announced that he too attended the League of California Cities 2012 Annual Conference in San Diego. He stated that he attended seminars on technology and learned how citizens can better use technology with the City Council and the City Clerk.

Vice Mayor Benton announced that a Central County Fire Board Study Session will be held on Wednesday, September 12, 2012, to discuss the merger with the City of Millbrae and City of San Bruno, and that he will report back to the City Council about the meeting.

Mayor Kasten announced that the Council of Cities Dinner/Meeting is scheduled for Friday, September 28, 2012, in the City of Belmont. The Councilmembers announced that they would not be able to attend.

Mayor Kasten announced that City and County Association of Governments (C/CAG) Executive Director Richard Napier announced that he would be retiring.

Mayor Kasten introduced Al Royse and Shawn Christianson who will take office at the December 10, 2012 City Council meeting.

Police Department Executive Assistant LeAnn Thornton provided a photo presentation on her visit to Fort Campbell, Kentucky, for the "Week of Eagles" and presented Mayor Kasten and Police Chief Mark O'Connor challenge coins for their support of the Town's Adopt-A-Unit program.

ADJOURN:

Mayor Kasten adjourned the meeting at 8:21 p.m.