

**MINUTES
CITY COUNCIL MEETING
MONDAY, JULY 8, 2013**

SPECIAL MEETING:

Mayor Benton called the special meeting to order at 5:09 p.m. at the Hillsborough Town Hall, 1600 Floribunda Avenue, Hillsborough, California.

ROLL CALL: Present: Benton, May, Chuang, Christianson, Royse

PUBLIC COMMENT:

There were no public comments.

PUBLIC ANNOUNCEMENT OF CLOSED SESSION ITEMS

ADJOURN TO CLOSED SESSION

CLOSED SESSION:

- A. PUBLIC EMPLOYEE APPOINTMENT
Section 54957

Title: Finance Director

- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Government Code Section 54956.9(d)(1)

Name of case: Newpath Networks, LLC; Crown Castle NG West Inc. v. Town of Hillsborough, San Mateo Superior Court Action. No CIV518695

- C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Section 54957

Title: City Manager

ADJOURN CLOSED SESSION

REGULAR MEETING:

Mayor Benton called the regular meeting to order at 6:10 p.m. at the Hillsborough Town Hall, 1600 Floribunda Avenue, Hillsborough, California.

ROLL CALL: Present: Benton, May, Chuang, Christianson, Royse

PLEDGE OF ALLEGIANCE

REPORT FROM CLOSED SESSION: Mayor Benton reported out that there was nothing to report from the Closed Session.

City Manager Randy Schwartz introduced Victoria Leroux, a volunteer summer intern and college student studying interior design and environmental studies, and Ryan Lundquist, a summer intern and college student studying public relations and communications. He also introduced Management Analyst Christopher Dacumos, who recently joined the Town's staff. Mr. Dacumos thanked the City Council, Mr. Schwartz, Director of Public Works Paul Willis and Public Works Superintendent John Mullins, and stated that he was looking forward to beginning his career with the Town.

MINUTES: The minutes of the June 10, 2013 City Council meeting were approved as submitted with one change from Councilmember Christianson. She stated that the date of the League of California Cities Conference in the fourth paragraph from the bottom of page 12 of the City Council agenda packet should be September 18-20, 2013.

CONSENT CALENDAR:

On motion of Councilmember Chuang, seconded by Councilmember Christianson, and unanimous on voice vote, Consent Calendar items 1-8 were approved.

1. MONTHLY CLAIMS: JUNE 1 THROUGH JUNE 30, 2013

The monthly claims for the month of June 2013, in the amount of \$3,348,694.82 were approved as submitted.

2. TREASURER'S REPORT FOR THE QUARTER ENDING JUNE 30, 2013

The Treasurer's Report for the quarter ending June 30, 2013, was approved.

3. QUARTERLY INTEREST RATE PRODUCTS (SWAP) REPORT

The Interest Rate Products (SWAP) Report for the quarter ended June 30, 2013, was accepted.

4. RESOLUTION DESIGNATING THE CITY MANAGER OR HIS OR HER DESIGNEE AS THE MUNICIPAL EMPLOYEE RELATIONS OFFICER

The resolution designating the City Manager or his or her designee as the Municipal Employee Relations Officer was adopted.

5. RESOLUTION AMENDING THE AGREEMENT BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND THE TOWN OF HILLSBOROUGH REGARDING THE CRYSTAL SPRINGS PIPELINE #2 PROJECT

The resolution amending the agreement between the Town of Hillsborough and the City and County of San Francisco regarding the Crystal Springs Pipeline #2 Project, and authorizing the City Manager to execute the amended agreement on behalf of the Town was adopted.

6. RESOLUTION ADOPTING REVISED STANDARD DETAILS FOR PUBLIC WORKS INFRASTRUCTURE CONSTRUCTION (ENGINEERING STANDARDS) WITHIN THE TOWN OF HILLSBOROUGH

The resolution adopting the revised Standard Details for Public Works infrastructure construction within the Town of Hillsborough was adopted.

7. RESOLUTION AWARDED THE 30-YEAR STORM WATER MASTER PLAN TO BKF ENGINEERS

The resolution awarding the contract for the 30-Year Storm Water Master Plan to BKF Engineers in the amount of \$199,750, allocating funds from the Storm Drain Master Plan Study Project, CIP #809.47, and authorizing the City Manager to execute the contract on behalf of the Town was adopted.

8. RESOLUTION AUTHORIZING THE PURCHASE OF A COMPACT TRACK LOADER AND ATTACHMENTS FROM PETERSON TRACTOR COMPANY

The resolution authorizing the purchase of the Peterson Tractor Company Cat 259B3 and attachments for the total purchase amount of \$80,113 to be allocated from the Water Fund at 35%, Sewer Fund at 40% and Street Fund at 25% was adopted.

PUBLIC HEARING:

9. FUNDRAISING EVENT PERMIT APPLICATION 13-06 FOR THE CURIODYSSEY DINNER AND AUCTION

City Clerk Miyuki Yokoyama stated that CuriOdyssey submitted a fundraising application for a gala dinner and auction on Saturday, September 28, 2013, from 5:00 p.m. to 11:00 p.m. at 130 Bridge Road.

Ms. Yokoyama stated that public notices have been sent to homeowners located within a 500-foot radius and that no comments have been received. She added that staff recommends approval of the application subject to the conditions of the Police, Fire and Building and Planning Departments.

Mayor Benton opened the public hearing.

Sarah Soto, CuriOdyssey's Development Manager, thanked the City Council for their support and stated that the dinner and auction is a lot of fun and invited everyone to attend.

The public hearing was closed.

On motion of Vice Mayor May, seconded by Councilmember Royse, and unanimous on voice vote, Fundraising Event Permit Application 13-06 for the CuriOdyssey Gala Dinner and Auction on Saturday, September 28, 2013, subject to the conditions recommended by staff, was approved.

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

Central County Fire Marshal Rocque Yballa stated that the report of weed abatement charges and ordering collection is done annually to clear weeds that pose a fire hazard from vacant lots in Hillsborough. He stated that since the program started, the Fire Department has had to inspect as many as 80 parcels in the past, but currently is down to only five parcels requiring clearing.

The Councilmembers and Fire Marshal Yballa discussed the weed abatement procedure.

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

On motion of Councilmember Christianson, seconded by Councilmember Chuang, and unanimous on voice vote, the resolution confirming the report of weed abatement charges and ordering collection was adopted.

11. RESOLUTION AUTHORIZING PLACEMENT OF SEWER SERVICE AND STORM DRAINAGE CHARGES, SPECIAL TAX FOR POLICE PROTECTION AND FIRE PROTECTION AND PREVENTION, AND THE FLAT CHARGE COMPONENT OF THE GARBAGE COLLECTION FEE ON THE 2013-2014 COUNTY TAX ROLL AND AUTHORIZING THE COUNTY TAX COLLECTOR TO COLLECT SUCH CHARGES

Interim Finance Director Edna Masbad stated that the Town's sewer service and storm drain charges, the flat garbage collection fee and the public safety special tax are collected by the County Tax Collector in the same manner in which the County collects property taxes. She reported that households will be charged \$2,031 for the annual residential sewer charge which represents a seven percent increase from last year. She stated that there will be no change to the \$7.34 per parcel annual storm drainage charge which was authorized in fiscal year 1994-1995. She explained that the ordinance does not provide for adjustments for the storm drainage charge, and therefore the storm drainage charge has remained the same since the initial implementation. Ms. Masbad reported that the public safety tax will be \$218 for unimproved parcels and \$570 for improved parcels, which is the maximum amount that can be assessed. She stated that the \$300 flat garbage collection fee will remain unchanged from last year.

Ms. Masbad recommended opening the public hearing and receiving comments, closing the public hearing, and adopting the resolution authorizing placement of sewer service

and storm drainage charges, special tax for police protection and fire protection and prevention, and the flat charge component of the garbage collection fee on the 2013-2014 County tax roll and authorizing the County Tax Collector to collect such charges.

Councilmember Chuang asked what the commercial accounts were. Ms. Masbad replied that the commercial accounts include schools, the Hillsborough Racquet Club and the Burlingame Country Club, and that the sewer charges, based on their average winter water usage for the last three years, are collected with the water bill.

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

On motion of Councilmember Chuang, seconded by Councilmember Christianson, and unanimous on voice vote, the resolution authorizing placement of sewer service and storm drainage charges, special tax for police protection and fire protection and prevention, and the flat charge component of the garbage collection fee on the 2013-2014 County tax roll and authorizing the County Tax Collector to collect such charges was adopted.

12. URGENCY ORDINANCE EXTENDING A MORATORIUM ON THE ISSUANCE OF PERMITS FOR WIRELESS COMMUNICATIONS FACILITIES UNTIL AUGUST 9, 2014, PURSUANT TO GOVERNMENT CODE SECTION 65858 - ADOPTION

Assistant City Manager Kathy Leroux reported that the City Council, at its September 10, 2012 meeting, adopted an ordinance extending an existing moratorium on the issuance of permits for wireless communications facilities. She explained that the purpose of the moratorium was to allow the community and staff an opportunity to study the issue of how to properly balance wireless needs, infrastructure impacts, community aesthetics and current laws regulating wireless facilities to develop a new ordinance that reflects that balance. She stated that the moratorium will expire on August 9, 2013.

Ms. Leroux reported that the City Council has held several public meetings and placed information in the Town's newsletter, a postcard mailer, the Town's website and Hillsborough Together to gather comments, questions and concerns regarding wireless facilities and the Town's aesthetic character. She explained that introduction of a new ordinance was delayed due to the introduction of Assembly Bill 162 (AB 162) which would have imposed new rules potentially requiring changes to a new ordinance. She stated that the Town reached out to representatives from other cities, the League of California Cities and state legislators with concerns regarding AB 162. She reported that with opposition from these groups, AB 162 will not be brought before the assembly for a vote in 2013; however, staff will continue to monitor it.

Ms. Leroux stated that this agenda item deals strictly with the third and final extension of the moratorium. She reported that the Town's attorneys and staff have completed a draft ordinance, but staff cannot predict how much time will be needed for a full review of the draft ordinance. She explained that the extension is for an additional year; however, the goal is to have a new ordinance adopted within the next several months and the moratorium lifted.

Ms. Leroux recommended waiving the reading of the ordinance, opening the public hearing and receiving comments, closing the public hearing and adopting by roll call vote of at least four-fifths the urgency ordinance extending the moratorium on the issuance of permits for wireless communications facilities.

Vice Mayor May stated that he wanted to clarify that the reason the ordinance was delayed was because of the introduction of AB 162.

Mayor Benton asked why the extension was for a period of one year. Ms. Leroux replied that by law the moratorium can be extended for a final extension of one year. She stated that once the ordinance is in place the moratorium will be repealed. Mayor Benton asked when the ordinance is expected to be adopted. Ms. Leroux replied that the ordinance should be adopted by this fall.

Mayor Benton asked if the extension could be for less than a year. City Attorney Norm Book replied that the extension can be terminated once the ordinance is adopted.

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

Vice Mayor May waived the reading of the ordinance.

On motion of Vice Mayor May, seconded by Councilmember Royse, and unanimous on a roll call vote of 5:0, the urgency ordinance extending the moratorium until August 9, 2014, on the issuance of permits for wireless communications facilities for a period of twelve months following the end of the current ten month and fifteen day moratorium was adopted.

DISCUSSION:

13. PROGRESS REPORT ON A WIRELESS COMMUNICATIONS FACILITIES ORDINANCE AND CONSIDERATION OF THE FORMATION OF A CITIZENS' WIRELESS COMMUNICATIONS COMMITTEE

Assistant City Manager Kathy Leroux stated that the Town's first wireless ordinance was adopted in 2006, and that its purpose was to regulate the location of wireless facilities, reduce visual effects, preserve the character of the Town and encourage co-location of facilities. She reported that since that time, there have been several changes in laws, regulations, court rulings and federal guidance, including, most recently, the introduction of Assembly Bill 162 that would have imposed severe new rules requiring mandatory and extremely fast approvals of wireless applications and it would have further restricted local governments' regulation of wireless facilities. She stated that there have also been significant changes in wireless technology and changes to physical configurations especially in the right of way. She reported that wireless has gone from 2G to 3G and to 4G upgrades, and as technology increases there is a greater demand for service.

Ms. Leroux reported that the Town adopted a moratorium on the issuance of wireless communications facility permits to allow adequate time to carefully consider potential changes to the wireless facilities ordinance. She explained that as part of that process the City Council held three separate public hearings and a public meeting with representatives from the wireless industry. She added that articles were published in the Town's quarterly newsletter, postcards were sent via US mail and information was posted on the Town's website. She stated that feedback, questions and concerns were gathered at the public meetings and through written letters and postings on Hillsborough Nextdoor. She reported that many residents stated that they were concerned about aesthetics of the tall structures, decreased property values should a structure be built near their home and possible health risks. She added that some residents said that they would like to have better service in their home.

Ms. Leroux stated that the first draft of a new proposed Wireless Facilities Ordinance is now being presented to the City Council. She explained that this is simply a first look at the draft ordinance and no action is required by the City Council this evening. She reported that the draft ordinance includes new and/or updated language throughout, and that some of the proposed changes are the prohibition of mono-poles (towers that are uncamouflaged), locations of wireless communications facilities shall be selected in a certain priority manner with an existing co-location structure or site being the first choice, denial of applications if the majority of the benefits are going outside the Town limits, a height limit of 35 feet above finished grade (utility poles are typically 35 feet), deposit of funds sufficient to reimburse the Town for third party review of an application, more detailed plans required and stamped by a California licensed architect, language regarding placement of equipment in a public right of way to minimize visual blockage to pedestrians and drivers caused by above grade equipment, support equipment shall be placed in flush to grade enclosures and includes American with Disability Act (ADA) requirements, updated requirements regarding radio frequency emissions compliance,

and a ten-year time limit on permits allowing for a review process on a regular basis to improve the sites.

Ms. Leroux reported that staff and the City Council subcommittee met with representatives from Verizon and Crown Castle, and that the meeting was positive and many issues were discussed. She stated that the Town expressed its concerns and the Town listened as the carriers expressed their concerns regarding the draft ordinance. She further stated that all parties agreed upon the goal of better coverage with the least impacts, the need to protect aesthetics, to have an efficient application process that allows for evolving technologies and to avoid litigation.

Ms. Leroux asked the City Council subcommittee if they would like to add anything at this time.

Vice Mayor May, a member of the City Council subcommittee, thanked Ms. Leroux and City Manager Randy Schwartz for organizing the meeting with the representatives from Verizon and Crown Castle, and emphasized how good the Town's staff is and how well prepared they were. He explained that the ordinance is just a draft proposal and not a first reading. He reported that the ordinance was read by the carriers and he asked City Attorney Norm Book how the Councilmembers should receive the carriers' comments to avoid any Brown Act violation. Mr. Book replied that the comments could be directed to the City Attorney. Mr. Schwartz said the comments could be left with either him or Ms. Leroux for delivery to Mr. Book.

Councilmember Christianson, a member of the City Council subcommittee, emphasized that the ordinance is a discussion draft and was solicited to the carriers with sincerity in hopes that the Town will receive comments from the carriers to help guide the revision of the ordinance.

Mayor Benton asked what the carriers thought was problematic about the draft ordinance. Vice Mayor May replied that the carriers will present letters regarding their concerns about the draft ordinance before the August 12, 2013 City Council meeting.

Councilmember Christianson reported that during the meeting, the carriers discussed various ways to camouflage the apparatus, different approaches that can be taken such as undergrounding and other options that are available, and what other communities have done.

Mr. Schwartz stated that Kirk Wampler, Crown Castle's Director of Government Relations, is looking at many options that are available, such as installing the wireless communications facilities underground or on stop signs or light poles.

Mr. Schwartz reported that at last month's City Council meeting there was discussion about the formation of a Citizens' Wireless Communications Committee to help review the language of the ordinance and site locations of the wireless facilities. He stated that after this morning's meeting with the carriers, he is not recommending a Citizens' Wireless Communications Committee at this time due to time constraints. He explained that the first reading of the ordinance will be at the August 12, 2013 City Council meeting and the second reading sometime this fall, and that after the ordinance is adopted a Citizens' Wireless Communications Committee could be formed to review site locations and fixtures (like street lights) to ensure uniformity and to maintain the Town's aesthetics.

Mr. Wampler stated that he has made the commitment to provide the language to solve some of the problems with the draft ordinance and that he will work with Mr. Schwartz to massage the design of the wireless facilities, and with Director of Public Works Paul Willis to place nodes on existing or new street lights or poles at intersections to take the impact off of residents. He added that there will be more flexibility with using the utility poles and street lights as stealth poles.

Mayor Benton asked Mr. Wampler why Crown Castle desires to install wireless facilities in Hillsborough. Mr. Wampler replied that Verizon customers in Hillsborough demanded better coverage.

The Councilmembers and Mr. Wampler further discussed the wireless communications facilities.

Mr. Schwartz reported that Mr. Wampler mentioned different ways to lay out the distributed antenna system (DAS) which could allow four of the thirteen sites to be placed on existing utility poles and one on an intersection street light. He added that working in a collaborative mode, there possibly would only be five new poles and that the five new poles could look like street lights. He stated that by working collaboratively with the carriers there are better possibilities for the location and look of the wireless facilities.

Councilmember Christianson conveyed her thanks to Crown Castle's Government Relations Manager Sharon James who was a constructive participant in this morning's meeting. She reported that Crown Castle worked collaboratively with Montecito for a mutually beneficial solution.

Mayor Benton stated that the Town will need to balance the technology that a modern city ought to have and at the same time preserve the Town's culture by working together with the carriers to accomplish what is best for both parties.

Mr. Benton thanked Mr. Wampler.

Vice Mayor May stated that at this morning's meeting, the point was raised that the process of revising the ordinance is extraordinarily complex and the Town would be served better with the current City Council Wireless Subcommittee as both he and Councilmember Christianson understand the legal process. He added that he believed there was a need for a Citizens' Wireless Communications Committee, but not right now. Mayor Benton stated that he supported that.

OLD BUSINESS:

14. UPDATE ON THE APPEAL OF THE MARCH 25, 2013 ARCHITECTURE AND DESIGN REVIEW BOARD (ADRB) APPROVAL OF A NEW MULTI-LEVEL SPANISH MEDITERRANEAN STYLE RESIDENCE OF APPROXIMATELY 7,388 SQUARE FEET AND ASSOCIATED LANDSCAPE PLAN AT 60 BUCKEYE COURT

Director of Building and Planning Elizabeth Cullinan stated that on April 9, 2013, staff received an appeal from the residents at 35 Via Delizia Court of the March 25, 2013 Architecture and Design Review Board approval of a new multi-level Spanish Mediterranean style residence at 60 Buckeye Court. She further stated that the City Council reviewed the appeal on June 10, 2013, and continued the agenda item to the August 12, 2013 City Council meeting to allow the appellants an opportunity to review additional public records requested on June 7, 2013. She reported that the additional requested public records were provided to the appellants on June 24, 2013.

Ms. Cullinan informed the City Council that on June 27, 2013, the appellants withdrew their appeal and the applicant and appellants had entered into a settlement agreement whereby the applicant would be submitting a revised application, which will be approved administratively by staff, and would include relocating the proposed residence an additional five feet away from 35 Via Delizia Court in a southeasterly direction (as compared to the ADRB approved plans), reducing a set of French doors from eight feet to six feet, and using opaque material on the west-facing window on the tower.

Councilmember Christianson stated that she was delighted that the appellants withdrew their appeal.

Vice Mayor May asked if the applicant will start the construction process this year. Ms. Cullinan replied that the applicant will start building next year.

Councilmember Royse asked if the changes in the settlement agreement are in accordance with the ADRB's approval of the proposed residence. Ms. Cullinan replied that minor changes can be approved at the staff level and that the residents at 35 Buckeye Court approved the structure being moved five feet closer to their property.

NEW BUSINESS:

15. RESOLUTION APPROVING THE JOINT COMMUNICATIONS GUIDELINES BETWEEN THE TOWN AND HILLSBOROUGH CITY SCHOOL DISTRICT

City Manager Randy Schwartz reported that he and Councilmember Christianson met with the Hillsborough City School District Board President and Superintendent to work out guidelines for shared communications for both electronic and hard copy form to inform a larger percentage of the public.

Councilmember Christianson stated that there have been an increasing number of requests for distribution of information and both parties needed guidelines to ensure checks and balances are in place. She added that the City Manager and Superintendent will have final approval of the information submitted.

Councilmember Chuang thanked Mr. Schwartz and Councilmember Christianson for the guidelines and stated that it is great that the Town and School District will now be able to communicate with more people.

Councilmember Royse asked who governs Hillsborough TV (HTV). Councilmember Christianson replied that HTV has historically been programmed and monitored through the School District. She stated that HTV is on the Citizens Communication Advisory Committee (CCAC) to do list as it is an underutilized resource and currently there is not much available on HTV. She added that other cities have more active channels, but HTV is a resource that has not been used much.

The Councilmembers, Mr. Schwartz and Assistant City Manager Kathy Leroux further discussed HTV.

Police Captain Doug Davis reported that the Hillsborough Police Department and the School District coordinated and collaborated with HTV on two public service announcements (PSAs) on back to school and vacation and home safety.

Vice Mayor May noted that the last "Whereas" in the resolution on page 114 of the City Council agenda packet needed to be revised to read "Whereas, items that would not *be* eligible..."

On motion of Vice Mayor May, seconded by Councilmember Chuang, and unanimous on voice vote, the resolution as amended approving the Joint Communications Guidelines between the Town and the Hillsborough City School District was adopted.

16. DESIGNATION OF A VOTING DELEGATE AND AN ALTERNATE TO THE 2013 LEAGUE OF CALIFORNIA CITIES CONFERENCE IN SEPTEMBER 2013

City Manager Randy Schwartz stated that the League of California Cities' Annual Conference will be held on September 18-20, 2013, and that the Annual Business Meeting is scheduled for Friday, September 20, 2013. He explained that in order to vote at the Annual Business Meeting on League policy issues, the City Council must designate a voting delegate and may designate up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Mayor Benton announced that he would be attending the conference and would be happy to be the delegate.

Councilmember Christianson announced that she was planning to attend the session on Wednesday, September 18, 2013, and that she could be the alternate, if needed.

Councilmember Christianson nominated Mayor Benton as the delegate.

Mayor Benton nominated Councilmember Christianson as the alternate.

On motion of Vice Mayor May, seconded by Councilmember Chuang, and unanimous on voice vote, Mayor Benton was designated the voting delegate and Councilmember Christianson was designated the alternate for the 2013 League of California Cities Annual Conference's Business Meeting scheduled for Friday, September 20, 2013.

17. **ORDINANCE AMENDING CHAPTER 8.40 OF THE HILLSBOROUGH MUNICIPAL CODE TO INCLUDE A PROHIBITION OF SMOKING DURING TOWN-SPONSORED EVENTS AND WITHIN TOWN RECREATIONAL AREAS - INTRODUCTION**

City Manager Randy Schwartz reported that in January 2013, the American Lung Association released a report grading cities on the state of tobacco control and protection of residents from second-hand smoke, and that the Town received an "F" grade. He stated that on March 21, 2013, he and Councilmember Royse met with representatives of the American Lung Association and a public health educator from the San Mateo County Health Department, and asked why the Town received such a low grade. He explained that the Town received an "F" because the Town has no ordinance specifically barring smoking from multi-family housing units or efforts to reduce tobacco sales in grocery stores. He stated that with the adoption of this ordinance and with the understanding that many of the criteria used for the report card are not applicable to Hillsborough, the score will be adjusted and that the Town has a shot for an "A". Mr. Schwartz reported that the draft ordinance follows the ban on smoking that other cities have adopted and the Town's ordinance would restrict smoking in public parks and at Town-sponsored events.

Councilmember Royse commented that Mr. Schwartz did an excellent job updating the Town's ordinance. He stated that he wanted to update the Town's ordinance to protect residents at Town-sponsored events and in public areas from health risks associated with second-hand smoke, and the increase in healthcare costs and medical premiums. He moved that the first reading of the ordinance be waived.

Councilmember Chuang noted that 12 of the 20 cities in San Mateo County received an "F" grade. She commented that Councilmember Royse and Mr. Schwartz did a great job revising the ordinance.

The Councilmembers and Mr. Schwartz further discussed the smoking ban.

Councilmember Royse stated that smoking would be prohibited not only during Town-sponsored events and within Town recreational areas, but also within Town public spaces.

On motion of Councilmember Royse, seconded by Councilmember Chuang, and unanimous on voice vote, the ordinance amending Chapter 8.40 of the Hillsborough Municipal Code regarding a prohibition of smoking during Town-sponsored events and within Town recreational areas and Town public spaces was introduced and the first reading of the ordinance was waived. August 12, 2013, was set as the public hearing date to consider adoption of the ordinance.

18. **RESOLUTION SUMMARILY VACATING AN UNUSED PORTION OF THE PUBLIC RIGHT OF WAY AT 519 ROEHAMPTON ROAD**

Director of Public Works Paul Willis provided a Power Point presentation on the summary vacation of an unused portion of the right of way at 519 Roehampton Road. He explained that in 1934, the Town accepted the land for the purpose of a public right of way and that research shows that a cul-de-sac originally terminated in front of 519 Roehampton Road, but the cul-de-sac was subsequently taken out of public roadway

use as future lots on Roehampton were added. He stated that the remnant cul-de-sac is clearly visible on aerials and on the survey plat. Mr. Willis presented an aerial view of the area, a diagram showing the area to be abandoned, and an aerial view showing property lines. He also showed a survey plat of the proposed abandonment.

Mr. Willis stated that the total area proposed for abandonment is 1,089 square feet. He reported that staff has determined that this portion of the right of way is unnecessary for public road purposes and no public facilities or infrastructure remain within this area. He stated that vacating this unused portion of the right of way would release the Town's liability for future maintenance, and the property line along the frontage of Roehampton would be consistent with the neighboring properties.

Mr. Willis reported that the current owners, Katherine Lyons Hahn and David Hahn, of the adjacent parcel at 519 Roehampton Road, requested that the Town vacate this unused portion of right of way to allow for a landscape design, which is more compatible and consistent with the frontage of Roehampton, and creates an improved entrance to the property.

Councilmember Christianson asked if there was any cost to the Town for vacating this portion of the right of way. Mr. Willis replied that the vacation of the portion of the right of way will be revenue neutral, and there is the potential cost savings by reducing liability. He stated that the applicants have paid for the cost of the survey, the chain of title, and any associated costs to process the abandonment.

The Councilmembers and Mr. Willis further discussed vacating unused right of ways and differences between Town-owned parcels and dedicated right of ways.

On motion of Vice Mayor May, seconded by Councilmember Christianson, and unanimous on voice vote, the resolution summarily vacating a portion of Roehampton Road was adopted.

PUBLIC COMMENT:

Police Captain Doug Davis reported that the San Mateo County Parks Foundation's Tour de Peninsula Bike Ride will be held on Sunday, August 4, 2013. He stated that the fundraising bike ride would begin and end at the Coyote Point Recreation Area, and that the bike route would require intermittent closure of a portion of Crystal Springs Road from 7:00 a.m. to 9:30 a.m., but that residents in the area would be escorted to and from their homes by police officers, if need be. He added that there will be signage notifying residents of the road closure.

Central County Fire Chief Mark Ladas provided a brief report on the Saturday, July 6, 2013, Asiana Airlines plane crash at San Francisco International Airport. He reported that Truck 34 and the crew led by Battalion Chief Drew Flinders responded to the call and they did extremely well because of their extensive training for rescue and recovery. He reported that Truck 34 also responded to a six alarm fire in Redwood City that same day.

CITY COUNCIL ITEMS:

Vice Mayor May announced that the Hillsborough Concours d'Elegance will be held on Sunday, July 21, 2013, from 10:00 a.m. to 4:00 p.m. at the Crystal Springs Golf Course.

Councilmember Christianson thanked Director of Public Works Paul Willis and Public Works Superintendent John Mullins for the very informative tour of the Public Works facilities.

Councilmember Christianson announced that she attended the Council of Cities Dinner/Meeting on Friday, June 28, 2013, at Centennial Tower located in the City of South San Francisco, and that the San Mateo County City Selection election was held at that meeting.

Councilmember Christianson announced that she attended the Peninsula Traffic Congestion Relief Alliance Board Meeting on Thursday, June 20, 2013, where the upcoming compliance obligations addressing employees was discussed and that City Manager Randy Schwartz will follow up on the Town's compliance obligations.

Mayor Benton announced that he attended the Thursday, June 13, 2013 City/County Association of Governments (C/CAG) of San Mateo County meeting where several items were discussed including restoration of the salt ponds in the San Francisco Bay estuary, information about achieving grant funds, the consideration of a parcel tax for all Bay Area counties, legislation changing power outage reporting, reassessments of commercial properties, the agreement for the San Mateo County Safe Routes to School Program with a two-year budget of \$2 million, and a proposal to have Caltrans relinquish El Camino Real.

Vice Mayor May announced that he attended the Housing Endowment and Regional Trust (HEART) Board Meeting on Wednesday, June 26, 2013, and stated that HEART provides subsidies to low and moderate income residents. He reported that since redevelopment agencies have dissolved, a consultant was hired to explore other approaches to affordable housing because there truly is a need.

Mayor Benton reported that he substituted for Councilmember Chuang at the San Mateo County Office of Emergency Services Board Meeting on Thursday, June 20, 2013, and that the Joint Powers Agreement with the San Francisco International Airport was discussed. He announced that the Urban Shield emergency response training event to help prepare agencies to respond to disasters will be held on October 25-28, 2013.

ADJOURNMENT:

Mayor Benton adjourned the meeting at 8:15 p.m. in honor of the 19 firefighters who were killed while battling the Arizona wildfire on Sunday, June 30, 2013.