MINUTES
CITY COUNCIL MEETING
MONDAY, SEPTEMBER 9, 2013

SPECIAL MEETING:

Mayor Benton called the special meeting to order at 5:02 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:

CONFERENCE WITH LABOR NEGOTIATOR
Section 54957.6

Agency Negotiator: Kristin Armbruster, Human Resources Specialist

Employee Organization: Police Unit - Teamsters Local 856 and Public Works Supervisors - Teamsters Local 350

ADJOURN CLOSED SESSION

REGULAR MEETING:

Mayor Benton called the regular meeting to order at 6:05 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.

MINUTES: The minutes of the August 12, 2013 City Council meeting were approved as submitted.

Mayor Benton announced that the Regular City Council meeting scheduled for Monday, October 14, 2013, will be cancelled, and that a Special City Council meeting will be held on Monday, October 7, 2013. He stated that there are three ordinances being introduced at tonight's meeting with the recommendation to set October 7, 2013, as the public hearing date to consider adoption of these ordinances, but, instead, the recommended date for the public hearing for possible adoption will be November 12, 2013.

PRESENTATION:

- Chief Mark Ladas of the Central County Fire Department (CCFD) provided an update on the Rim Fire near Yosemite National Park. He reported that the Rim Fire started on Saturday, August 17, 2013, and is currently 80 percent contained. He stated that the fire has burned approximately 250,000 acres and is the third largest fire in California's history. He reported that the number one fire in California's history was the Cedar Fire which burned 273,000 acres. He stated that the Rim Fire, which was started by a deer hunter, is expected to be 100 percent contained by Friday, September 20, 2013. He added that so far there have been no fatalities. Chief Ladas provided a progression

map showing the movement of the fire. He reported that on Wednesday, August 21, 2013, San Mateo County sent Office of Emergency Services resources, and on Friday, August 23, 2013, Central County Fire Department's strike team was sent out. He stated that 90,000 acres quickly burned in two days which equaled approximately 35 acres a minute. Chief Ladas provided a map showing the area and current fire activity. He reported that on Friday, August 30, 2013, the CCFD strike team was released after a total of 467 hours of overtime at a cost of approximately $30,000, which will be reimbursed by the State.

Chief Ladas reported that there was also a fire on San Bruno Mountain that burned approximately 41 acres on Saturday, September 7, 2013; a fire that started on Sunday, September 8, 2013, on Mount Diablo that has so far burned 800 acres and is only 20 percent contained; and a fire that started today in Shasta County which has already burned 2,000 acres and is zero percent contained.

Chief Ladas stated that on Saturday, September 7, 2013, over 100 residents from South San Francisco and Daly City down to San Mateo reported a strong odor which smelled like natural gas, but the source could not be traced.

Mayor Benton thanked Chief Ladas for the updates.

CONSENT CALENDAR:

1. MONTHLY CLAIMS: AUGUST 1 THROUGH AUGUST 31, 2013

   The monthly claims for the month of August 2013 in the amount of $5,070,365.82 were approved as submitted.

2. RESOLUTION APPROVING AN AMENDMENT TO THE FRANCHISE AGREEMENT BETWEEN THE TOWN OF HILLSBOROUGH AND RECOLOGY SAN MATEO COUNTY FOR RECYCLABLE MATERIALS, ORGANIC MATERIALS AND SOLID WASTE COLLECTION SERVICES

   The resolution approving an amendment to the franchise agreement between the Town and Recology San Mateo County for recyclable materials, organic materials and solid waste collection services, and authorizing the City Manager to execute the amendment on behalf of the Town was adopted.

3. RESPONSE TO THE SAN MATEO COUNTY GRAND JURY REPORT "SAN MATEO COUNTY SPECIAL DISTRICTS: WHO IS REALLY IN CHARGE OF THE TAXPAYER'S MONEY? THE MOSQUITO DISTRICT EMBEZZLEMENT: IS IT THE TIP OF THE ICEBERG?"

   The Town's response to the San Mateo County Grand Jury Report "San Mateo County Special Districts: Who Is Really in Charge of the Taxpayer's Money? The Mosquito District Embezzlement: Is It the Tip of the Iceberg?" was approved.

4. RESOLUTION AWARDING THE 3635 RALSTON AVENUE STORM DRAIN REPAIR PROJECT TO EPS, INC. (DBA EXPRESS PLUMBING)

   The resolution awarding the contract for the 3635 Ralston Storm Drain Repair Project to EPS, Inc. (dba Express Plumbing) in the amount of $136,850.00, and authorizing the City Manager to execute the contract on behalf of the Town and to approve a 10% contingency, if needed, was adopted.

5. RESOLUTION APPROVING AN AMENDMENT TO THE CONTRACT WITH BROWN AND CALDWELL FOR AN UPDATE OF THE WASTEWATER COLLECTION SYSTEM MASTER PLAN (BURLINGAME PORTION)

   The resolution approving the amendment to the contract with Brown and Caldwell for the completion of the Master Plan Update (Burlingame Wastewater Treatment Plant

Tributary) in an amount not to exceed $35,014.00, and allocating the same from the Sewer Fund was adopted.

6. RESOLUTION AWARDING THE BLACK MOUNTAIN STABILIZATION PROJECT TO FARALLON COMPANY

The resolution awarding the contract for the Black Mountain Stabilization Project to Farallon Company in the amount of $221,985.00, allocating funds from the Black Mountain Stabilization Project, CIP #405.47, and authorizing the City Manager to execute the contract on behalf of the Town and to approve a 10% contingency, if needed, was adopted.

PUBLIC HEARING:

7. FUNDRAISING EVENT PERMIT APPLICATION 13-07 FOR THE NUEVA SCHOOL BENEFIT AUCTION

City Clerk Miyuki Yokoyama stated that the Nueva School submitted a fundraising application for their benefit auction to be held on Saturday, March 29, 2014, from 5:00 p.m. to 11:00 p.m. at 6565 Skyline Boulevard.

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

Mayor Benton opened the public hearing.

Tess Peppers of the Nueva School stated that the auction brings in $650,000 and a portion is used to allow for diversity at the school by providing tuition assistance, and without the auction the school could not provide that support.

The public hearing was closed.

On motion of Councilmember Chuang, seconded by Councilmember Royse, and unanimous on voice vote, Fundraising Event Permit Application 13-07 for the Nueva School Benefit Auction on Saturday, March 29, 2014, subject to the conditions recommended by staff, was approved.

Mayor Benton announced that Agenda Item 10 would be moved before Agenda Items 8 and 9 because Jonathan Kramer, the Town's special counsel for wireless communications facilities, had a flight to catch back to Los Angeles this evening.

OLD BUSINESS:

10. ORDINANCE AMENDING CHAPTER 15.32 OF THE HILLSBOROUGH MUNICIPAL CODE REGARDING WIRELESS COMMUNICATIONS FACILITIES - INTRODUCTION

Mayor Benton announced that the sequence for this agenda item will be that staff will make a presentation, the Councilmembers will ask questions or make comments on the ordinance, the meeting will be opened up for public comment, the Councilmembers will discuss the possibility of having a committee of residents approve the wireless communications facilities applications, and then the Councilmembers will make their final comments.

Assistant City Manager Kathy Leroux provided a Power Point presentation on the wireless communications facilities ordinance. She stated that this is the first reading of the Town's new wireless communications facilities ordinance, but that the draft ordinance was on the July 8, 2013, and August 12, 2013 City Council meeting agendas for discussion. She reported that the Town adopted a wireless communications ordinance in 2006, and since then there have been changes in the wireless industry, as well as new legislation and court rulings that have reshaped how local wireless

ordinances are to be applied. She stated that in light of these significant changes, the City Council adopted a moratorium on the issuing of permits for all wireless communications facilities to allow the community and staff an opportunity to develop an ordinance that balances wireless needs, infrastructure impacts and community aesthetics.

Ms. Leroux reviewed the new ordinance process which included the formation of a City Council Subcommittee, several public informational meetings, testimony from dozens of residents, meetings with wireless carriers, analysis of state and federal laws, review of similar ordinances from other California jurisdictions, and discussion of the draft ordinances at the past two City Council meetings. She stated that the goals of the new ordinance were to regulate wireless installations (WCF) in a non-discriminatory manner, to recognize the benefits of wireless communications, to preserve the essential rural character of the Town, and to comply with applicable state and federal laws.

Ms. Leroux reported that the development standards in the ordinance have a priority order for installations with 1) Town-owned water tank sites, open space areas and pump station sites; 2) an existing utility pole or collocation structure; 3) non-residential structures or properties; and 4) a new camouflaged structure. She stated that in areas where other utilities are underground, the WCF must be a camouflaged pole. She further stated that all new WCFs shall be collocated wherever possible and all new WCFs in the right of way shall not be within 1,500 feet of an existing WCF. She reported that a WCF shall not exceed 35 feet, with the exception that if a WCF constructed as a camouflaged faux tree or flag pole with camouflaged antennas may be above the height restrictions, or if the WCF is located at a Town-owned water tank site. She stated that in rights of way, WCFs shall be on an existing utility pole, or if there is no existing pole, equipment shall be placed underground if possible with only the antennas and supporting structure allowed above ground. She added that new uncamouflaged monopoles or towers are prohibited.

Ms. Leroux continued that the application must include at a minimum scaled site plans and elevations, a statement of purpose and need, signal coverage maps, site photos and visual simulations, radio frequency emissions documentation, site ownership information and California Environmental Quality Act information. She stated that the application process includes a review of the application by Town staff, a written notice to all property owners within 500 feet, notices posted on the Town's three official bulletin boards and receipt of public comment. She added that if the City Council decides to have a resident advisory committee, the committee would be added to the process.

Ms. Leroux stated that for design standards, staff will work with applicants for the most efficient and diminutive design to minimize visual impacts. She reported that to approve an application, there would be several considerations, such as the proposed WCF is the least intrusive design, physical safety and Americans with Disability Act compliance have been demonstrated, the design is aesthetic and minimizes the visual impact, and it is designed to comply with Federal Communications Commission (FCC) rules and the Town's design standards. She stated that anyone may appeal the decision to the City Council within fifteen days. She explained that if an appeal is received, the City Council shall hold a public hearing during a City Council meeting, and the City Council may then accept, reject or modify the decision.

Ms. Leroux stated that within 30 days after installation, the applicant shall demonstrate the WCF fully complies with the FCC environmental regulations, and that the demonstration shall be provided in writing and shall be reviewed by Town staff or the selected and qualified radio frequency engineer. She further stated that if the report shows the WCF does not so comply, the user shall immediately suspend transmissions until compliance is demonstrated.

Ms. Leroux stated that the permit term will be for a term of ten years and a shorter term where authorized by state law, or for a temporary WCF or an emergency affecting the health and welfare of residents. She added that a ten year term permit can be extended for five years. She further stated that any permit may be reviewed, modified or revoked by the Town based on changed circumstances.

Ms. Leroux reported that the significant differences between this ordinance and the current ordinance are the priority order, the height of new poles has been clarified and amended to lessen impacts on residential areas, an increased emphasis on collocations, applicants are required to provide additional materials, undergrounding of cables and supporting equipment has been mandated in the right of way where possible, and permits are granted for a ten-year period rather than three years based upon state law.

Mayor Benton thanked Ms. Leroux for the overview of the ordinance.

Councilmember Royse asked if the "anti-dumping" clause would still be included in the ordinance. Special Counsel for the Town, Mr. Jonathan Kramer replied that the anti-dumping clause was taken out of the ordinance because of how it would have impacted Hillsborough if other cities adopted an anti-dumping clause. He added that it did not provide a benefit in the grand scheme.

Councilmember Chuang asked if there was a generalized estimate of the number of poles to be installed. Mr. Kramer replied that nothing from the industry has been received at this point in regards to the number of poles.

Vice Mayor May reported that the subcommittee consisting of himself and Councilmember Christianson met numerous times and that a lot of changes have been made at the City Council's behest.

Mayor Benton stated that there was a grammatical error in Section 15.32.070.A on page 156 of the City Council agenda packet and that it should read "All WCFs shall *be* designed…"

Mayor Benton stated that on pages 153 and 154, Section 15.32.030.E should be clarified to read "Subject to these rules, all new WCFs shall be collocated on or adjacent to existing WCFs, and, if within the Town's right of way *must be collocated* within 1,500 feet of an existing WCF, unless the Town determines from clear and convincing evidence submitted by the applicant that collocation is not technically feasible, or that additional collocated WCFs would *not* create excessive visual clutter or public safety impacts at the existing WCF."

Mayor Benton stated that the terms "City Manager or his or her designee" and "Director" should be clarified and that the proper term is used throughout the ordinance.

Mayor Benton stated that the ordinance should clarify who has the responsibility in the public or private rights of way.

Vice Mayor May stated that on page 154, Section15.32.030.F, CPUC should be defined as the California Public Utilities Commission.

In regards to the second sentence in Section 15.32.060.B on page 156, Vice Mayor May asked if the mailing of the public notices sufficiently meets the time requirements. Mr. Kramer replied that the Town must allow the public time to comment and also meet the federal laws for the shot clock.

Mayor Benton asked if a 500 foot notice is required for a single or multiple towers. Mr. Kramer replied that a 500 foot notice is required for each separate application as each location is specific, and a 500 foot notice is required for each location. Mayor Benton asked if Crown Castle wanted to install thirteen towers, would there be thirteen public notices. Mr. Kramer replied that thirteen public notices would be required.

Vice Mayor May stated on page 158, Section 15.32.080.A does not explain the approval process regarding the City Manager approving or disapproving an application if the three things listed are done. Mr. Kramer replied that Section 15.32.080.A is more of a procedural section and that other sections in the ordinance explain the approval process.

Vice Mayor May stated that on page 158, Section 15.32.080.B should be Section 15.32.080.A.4 for a more deliberative process. Mr. Kramer agreed and stated that Section 15.32.080.C would become Section 15.32.080.A.5.

Vice Mayor May stated that there was a typographical error on page 159 as there are two number “9s” in Section 15.32.080.C.

In regards to Section 15.32.090 on page 159, Vice Mayor May asked if any party may appeal the decision or if “party” should be changed to “person” throughout the ordinance. Mr. Kramer stated that “party” would be changed to “person or entity”.

In regards to Section 15.32.090.C on page 159, Vice Mayor May asked who would pay for the costs associated with the appeal process. Director of Building and Planning Liz Cullinan replied that with the Architecture and Design Review Board appeal process, the appellant funds the appeal, which is the standard practice in Town. Mr. Kramer stated that he can add language to the section that the appellant will bear all costs for the appeal.

Councilmember Christianson stated that in Section 15.32.100.C on page 160, the language is confusing regarding the deposit required for the emissions compliance report. Mr. Kramer stated that the deposit will vary depending on the project and stated that he will revise and expand the subsection to clarify the deposit required for the emissions compliance report.

Councilmember Christianson stated that Section 15.32.130 on page 161 refers to “this Code” and “this chapter” and asked if those terms meant the “Hillsborough Municipal Code”. Mr. Kramer replied that those two terms referred to the Hillsborough Municipal Code.

Councilmember Christianson stated that Section 15.32.170 on page 165 makes reference to “this Code” and asked if it should be “this Chapter”. Mr. Kramer replied that the reference to “this Code” was correct.

Councilmember Christianson asked if Section 15.36.010.B on page 165 properly references the section. Mr. Kramer replied that it does reference the correct section.

Councilmember Christianson asked why the “right of way” is not defined in the ordinance. Mr. Kramer replied that “right of way” is a state-defined term commonly understood by the courts.

Councilmember Christianson asked if unipoles, monopoles and utility poles are different. Mr. Kramer replied that they are three distinctly different types of antenna supports.

Mayor thanked the Councilmembers for their questions and comments.

Mayor Benton opened the meeting for public comment. He stated that due to federal law, the Town cannot regulate installation of WCFs on the basis of health concerns.

Mr. Carl Cabico of Crown Castle’s San Jose office stated that comments to the draft ordinance amending Chapter 15.32 of the Hillsborough Municipal Code regarding wireless communications facilities were presented in the letter emailed by his legal counsel to Assistant City Manager Katharine Leroux, and that hard copies were also provided this evening to the City Clerk. He reported that Crown Castle received the draft ordinance last week and that Crown Castle could provide comments at the October 7, 2013 City Council meeting. Mr. Kramer stated that the letter from Crown Castle’s legal counsel from Newmeyer & Dillion LLP was received at 4:30 p.m. today.

Hillsborough resident Mr. Larry Friedberg stated that Section 15.32.030 regards development standards, location, height and placement, and stated that he preferred the cell towers to be installed in Town-owned open space. He asked why existing utility poles and collocated structures are not subordinate. Mr. Kramer replied that the

purpose was to put utility poles and collocated structures on an equal level to allow various departments of the Town to review the best site. Vice Mayor May added that after lengthy discussion, the most reasonable site should be considered and not be an automatic decision. Mr. Friedberg asked who was responsible for radio frequency (RF) emissions compliance. Mr. Kramer replied that the applicant must provide a technical report on RF emissions which will be reviewed by Town staff. He added that the report would become a public record. Mr. Friedberg asked how often the test for RF emissions would be conducted. Mr. Kramer replied that no ongoing testing for RF emissions would be required. Mr. Friedberg asked how much incremental revenue the Town would receive from the wireless communications facilities. City Manager Randy Schwartz replied that the revenue would be relatively low and not a revenue source.

Ms. Bailey Meyer stated that she was here not only as a Hillsborough resident but also as a representative of the Hillsborough Garden Club, and that she was concerned about the situation. She stated that it was obscene that she could not address health issues as she found information on the Internet about the very serious health issues related to wireless communications facilities. She further stated that the Town should file a class action lawsuit to air these health concerns. She added that a town in Virginia brought forth a class action lawsuit about the health issues from cell towers and won. She stated that she did not want cell towers near the water tanks that provide drinking water. She further stated that because of the visual impact of the cell towers, aesthetics is extremely important to maintain the type of town that Hillsborough is. Ms. Meyer commented that adoption of the ordinance should be held up as much as possible, as new technology is in the process of being revealed that would be extremely important. Mr. Kramer responded that due to FCC rules, the Town cannot go beyond what it has done. He stated that reducing the visual impact of the towers by undergrounding facilities whenever possible for minimal visibility is a priority, but the Town cannot outright prohibit the WCFs. He reported that Congress gave a time frame for processing WCF applications and the Town must follow those federal laws.

Hillsborough resident Ms. Maryellie Johnson stated that the City Council should consider approval of each cell tower installation as staff members are not Hillsborough residents. She added that approval of the wireless communications facilities is not a trivial issue and the decision-making responsibility should rest with the City Council. She asked if there could be an “out” if cell towers are not necessary ten years from now because technology is rapidly advancing. She recommended that the 500-foot public notice be increased to a 1,000 foot public notice because of health concerns for children. She stated that Hillsborough is a special community and one of the wealthiest communities in the USA. She added that because of its uniqueness, Hillsborough should not be compared with neighboring cities. She stated that she would feel more comfortable and satisfied with a top law firm in the USA to revise the Town’s wireless communications facilities ordinance to ensure that the Town has done everything possible. Mr. Kramer replied that it would be up to the Councilmembers to decide if they would like the City Council rather than staff review the applications.

Mayor Benton stated that the City Council is the body to file an appeal, and asked if the City Council makes the decision to approve or disapprove an application, who would the appellant appeal to.

Councilmember Christianson stated that because of the shot clock, the Town is under the obligation to respond quickly to the processing of applications. She added that if the City Council were to approve the applications, the Town would not be able to respond in a timely manner. She reported that with AB 162, the time frame for approving applications would be more onerous because the process would be even faster than the federal shot clock.

Vice Mayor May stated that he 100 percent supports the staff making the decisions. He added that Mayor Benton will ask the City Council to discuss the possibility of having a committee of residents evaluate wireless communications facilities applications.

Mr. Kramer reported that Section 15.32.090 allows for the appeal to the City Council. He continued stating that in regard to changes in technology in the next ten years, he did not see satellites as an option, and that terrestrial sites will still be needed.

Mayor Benton stated that as far as the selection of attorney, he thought the Town has the best attorney representing the Town on WCFs. Mr. Kramer commented that a second opinion is always welcome.

Mr. Kramer stated that in regards to the 500-foot notice, it is consistent with the rest of the Hillsborough Municipal Code. Vice Mayor May stated that there are other methods of communication beside the 500-foot public notice.

Ms. Tedi Vriheas, External Affairs Director for AT&T, thanked the City Council for involving the wireless communications industry in the drafting of the wireless communications facilities ordinance, for encouraging more collaboration and for considering the vendors' comments. She stated that the discretionary use of the public right of way was a conflict for AT&T, but stated that AT&T would like to resolve the issue to support the ordinance. She further stated that there were smaller items out there that need to be resolved, but stated that she knows about the timeline for the adoption of the ordinance. She added that she appreciated the meaningful communication; however, things have been implied in the draft ordinance that the Town and vendors need to air out before adoption of the ordinance. She thanked the City Council for including the vendors in the process of drafting the Town's ordinance. Vice Mayor May stated that the Town would like additional time for drafting the Town's ordinance, but that he understood the time constraints that the Town is under with the lawsuit filed by Crown Castle.

Mr. Jerome Wade of Complete Wireless Consulting spoke at the meeting representing Verizon Wireless. He commented that the vendors only had two business days to review the latest revision to the wireless communications facilities ordinance. He asked for more time for the wireless communications industry to properly digest and review the draft ordinance and more time for the industry and the Town to come together with a solution. He stated that he understood the time constraints the Town has for the vendors' thoughts and considerations. He reported that the Section 6409(a) provides that cities may not deny any request as long as the request does not substantially change the physical dimensions of the tower or base station. He stated that this provides the guidance and authority to the wireless industry to bring technology to the community at a faster pace. He thanked the City Council.

Councilmember Christianson commented that Verizon can have an impact on the time frame of the lawsuit which is one of the constraints that the Town is facing. She asked Mr. Wade and the other wireless communications vendors to make a pitch to their respective employers to request more time for additional collaboration.

Mayor Benton stated that he received the draft ordinance a couple of days ago, but found that it was essentially the same as the previous version presented three months ago. He further stated that if Verizon and Crown Castle would give the Town more time for the drafting of the ordinance (an extension of time with the lawsuit), it would also give the Town more time to work collaboratively with the carriers on the wireless communications facilities ordinance.

Hillsborough resident Ms. Ada Regan stated that she agreed with Ms. Meyer's and Ms. Johnson's comments. She added that the Town should not rush into adoption of the ordinance and asked how long the permit term would be for a cell tower. Mr. Kramer replied that the term would be for a minimum of ten years. Ms. Regan stated that she did not want the ordinance pushed through as it could mess up the community with cell towers. She asked why the cell towers are needed and have there been sincere complaints about poor reception. Councilmember Christianson stated that the wireless carriers will need to submit an evidence of gap and demonstrate that there is a gap in need of enhanced communication. Mayor Benton stated that the wireless communications facilities will not only be for voice transmission, but also for data coverage such as Netflix, You Tube, etc. He added that the FCC feels that public safety

is at risk because of less landline connections and the current unreliability of cell service reception.

Hillsborough resident Ms. Deborah Payne stated that she was concerned about wireless communications facilities as she has an easement in her backyard with a utility pole for PG&E and other companies. She asked if there was a way to control access and what can be placed on that pole. She reported that she receives a call or two each month for access to the easement at the rear of her property and was concerned about what may happen in the future. Mr. Kramer stated that the wireless carriers cannot just place their equipment on a utility pole as there must be time, place and manner considerations. He stated that the Town will be sensitive to the issue of utility poles in easements.

Mayor Benton closed the meeting for public comment. He stated that the City Council will discuss the possibility of having a committee of residents to work with staff to approve the wireless communications facilities applications. He began by explaining the approach. He stated that the Town has the ADRB to review proposals for the development of property in the Town and that homeowners can appeal the ADRB's decision to the City Council. He asked the Councilmembers for their thoughts on an advisory committee. He reminded the City Council of the 150 day shot clock for processing the applications for new sites. Mr. Kramer added that the Town has only 90 days for a collocated site. Mayor Benton stated that he saw a role for a citizens advisory committee.

Councilmember Royse stated that he was cognizant of the shot clock and would welcome a citizens advisory committee to see how it works as the committee's input into design may be helpful. He commented that he had a list of pros and cons for the committee and that the pros outweigh the cons. He recommended clarifying the committee's responsibilities and the urgency of their meetings.

Councilmember Chuang stated that the Town is lucky to have so many talented residents that serve on the ADRB, Financial Advisory Committee (FAC), Citizens Communications Advisory Committee (CCAC) and Code Enforcement panel, and stated that she was open to the notion of having a wireless communications advisory committee.

Councilmember Christianson stated that the idea to incorporate the community's concerns is critical. She added that the ADRB has a role and having a wireless communications advisory committee would have a similar benefit if it is workable. She expressed that the committee member and alternate would need to be readily available because of the shot clock. She stated that an ideal composition would be to have an ADRB member and alternate with telecommunications knowledge. She added that the advisory committee should not impede staff's rigorous timeline for processing applications.

Vice Mayor May stated that he wanted to make it clear that he holds staff in the highest regards as Ms. Cullinan and her staff does a remarkable job reviewing planning applications before they go before the ADRB, and that Director of Public Works Paul Willis provides numerous suggestions to improve the community, but he stated that it was important to get residents' input on wireless communications facilities. He added that it will be ultimately the City Council's decision if the Town receives an appeal.

Mayor Benton agreed with Vice Mayor May that having an advisory committee is in no way critical of Town staff, but that it was important to have advisory committee to voice residents' concerns. Since timing is a huge issue, he recommended assembling an advisory committee immediately and stated that the committee members would need to be fairly flexible with their schedules.

Councilmember Royse stated that having an advisory committee is very consistent with how the Town operates and that the Town's current committees work well. He added that he was in support of the advisory committee concept.

Mr. Schwartz stated that an additional reading of the ordinance will be needed and that the agenda item will be brought back in October and November. He added that the composition of the advisory committee will be discussed at the next meeting.

Mr. Kramer stated that he has all the comments from the Councilmembers and will incorporate them into the next version of the ordinance.

Mr. Schwartz recommended that the ordinance be reintroduced at the October 7, 2013 Special City Council meeting for the first reading.

Mayor Benton agreed that the ordinance should be reintroduced at the October 7, 2013 Special City Council meeting.

On motion of Councilmember Christianson, seconded by Vice Mayor May, and unanimous on voice vote, the ordinance amending Chapter 15.32 of the Hillsborough Municipal Code regarding wireless communications facilities was introduced and the first reading of the ordinance was waived.

NEW BUSINESS:

8. ORDINANCE AMENDING CHAPTERS 2.12 AND 17.16 OF THE HILLSBOROUGH MUNICIPAL CODE REGARDING THE DESIGN REVIEW PROCESS AND REQUIREMENTS FOR PRIVATE SCHOOLS - INTRODUCTION

Director of Building and Planning Liz Cullinan provided a Power Point presentation on the introduction of the ordinance regarding the design review process and requirements for private schools. She stated that Hillsborough's Housing Element commits to developing guidelines for multi-family employee housing on existing institutional lands in Hillsborough, and that this commitment was an enhancement for affordable housing opportunities permitted since 2002. She further stated that in 2012, a subcommittee of the Architecture and Design Review Board (ADRB) facilitated the development of design guidelines for employee housing on private school properties. She reported that the ADRB Subcommittee agreed that multi-family design on private school sites should reflect similar architectural vocabulary, massing and scale as that of single family design with some customization for school/higher density uses. She added that on August 5, 2013, the full ADRB recommended City Council approval of the draft ordinance with the change that the language requires "complementary" rather than "similar" architectural vocabulary to single family residences.

Ms. Cullinan stated that several additional key concepts in the draft ordinance include that multi-family housing on private school property shall provide a sufficient buffer area between the school and neighboring single family residential properties, and that buffer areas can include additional setbacks, landscaping and fencing with sensitivity towards impacts from lighting, vehicles and higher intensity uses. In addition, she further stated that the City Council would determine development standards dependent upon the individual characteristics of the sites and projects, such as maximum permitted density, circulation and parking requirements (including the opportunity for shared parking).

Ms. Cullinan reported that public outreach included a public notice sent on July 3, 2013, to property owners within a 500 foot radius of the Town's existing private schools, and consultation with both Crystal Springs Uplands School and the Nueva School, who are supportive of the draft ordinance concepts and language. She stated that no public comment has been received on the proposed ordinance. Ms. Cullinan recommended that the City Council introduce and waive the first reading of the ordinance, and set November 12, 2013, as the public hearing date to consider adoption of the ordinance.

The Councilmembers and Ms. Cullinan discussed the design review process and requirements for private schools.

Councilmember Christianson stated that there were several key concepts included in the ordinance, but noise was not included. Ms. Cullinan replied that noise is an important

concern and that she will add that to Section 17.16.030.B.6.b on page 135 of the City Council agenda packet.

Councilmember Royse recommended a discussion with the private schools for some type of reimbursement to offset costs to the Town since the private schools are exempt from property taxes.

Mayor Benton stated that on page 136, Section 17.16.030.B.7a, the word “the” should be moved to the beginning of i through iv and vi through x, and “The maximum permitted density,” should be moved to the beginning of v. Ms. Cullinan replied that she would make those changes to the ordinance.

On motion of Vice Mayor May, seconded by Councilmember Royse, and unanimous on voice vote, the ordinance amending Section 2.12 and 17.16 of the Hillsborough Municipal Code regarding the design review process and requirements for private schools was introduced and the first reading of the ordinance as amended was waived. November 12, 2013, was set as the public hearing date to consider adoption of the ordinance as amended.

9. ORDINANCE ADDING SECTION 17.48.070 TO CHAPTER 17.48 OF THE HILLSBOROUGH MUNICIPAL CODE REGARDING PRIVATE SCHOOL SIGNS - INTRODUCTION

Summer Intern Ryan Lundquist provided a Power Point presentation and stated that at the August 12, 2013, City Council meeting, a range of potential amendments to the Town’s sign ordinance was discussed. He reported that after receiving input from the City Council, staff recommends only changing the sign ordinance relating to private school signs. To recap the discussion, he stated that private schools are not currently mentioned in the sign ordinance and are treated as private residences. He added that private schools are currently posting signs for fundraisers, school events and camps on their property that are both visible and not visible from the street. He provided examples of banners and signs currently at Crystal Springs Uplands School, Bridge School and Nueva School.

Mr. Lundquist recommended that changes to the sign ordinance include that private schools may post signs on campus that are not visible from the street, and that private schools can post one sign per year promoting a fundraising event that is visible from the street if the general public is allowed to attend the event, the school obtains a fundraising permit from the Town, and the sign must be no larger than four feet by eight feet and posted no sooner than three weeks before the event and removed no later than one week following the event.

Mr. Lundquist reported that he received feedback on the draft ordinance from the private schools. He stated that Crystal Springs Uplands School gave approval and Nueva School approves the concept, but is concerned about how the ordinance will be enforced in the future. He further stated that after a discussion between the Executive Director of Nueva School and City Manager Randy Schwartz, staff is recommending adding the word “prominently” to Section 17.48.070.A, so that it reads “Private schools may post signs on campus that are not *prominently* visible from the street.”

Mr. Lundquist recommended waiving the first reading and set November 12, 2013, as the public hearing date to consider adoption of the ordinance.

The Councilmembers, Mr. Lundquist and Mr. Schwartz discussed the sign ordinance.

Vice Mayor May recommended that the ordinance include introductory wording. City Attorney Norm Book replied that he would add the introductory wording to the ordinance, “Except as provided in Section 17.48.070.A and B, private schools may not post signs on campus.”

On motion of Vice Mayor May, seconded by Councilmember Christianson, and unanimous on voice vote, the ordinance adding Section 17.48.070 to Chapter 17.48 of

the Hillsborough Municipal Code regarding private school signs was introduced and the first reading of the ordinance as amended was waived. November 12, 2013, was set as the public hearing date to consider adoption of the ordinance as amended.

PUBLIC COMMENT:

There were no public comments.

CITY COUNCIL ITEMS:

Councilmember Royse reported that he attended the San Francisco Airport Roundtable meeting on Wednesday, September 4, 2013, and that several board members reported that there were complaints from a number of citizens from Brisbane, Woodside, Portola Valley and South San Francisco about a higher noise level this year.

Councilmember Christianson reported that the Hillsborough Neighborhood Network (HNN) held a successful drill on Sunday, September 8, 2013, and she complimented Councilmember Chuang for helping to prepare for the event. Councilmember Chuang thanked Central County Fire Chief Mark Ladas and Police Chief Mark O'Connor for their assistance, and reported that 30 residents attended the event.

Councilmember Christianson reported that she attended the Council of Cities Dinner/Meeting on Friday, August 23, 2013, in the Town of Woodside.

Councilmember Chuang reported that she also attended the Council of Cities Dinner/Meeting on Friday, August 23, 2013, in the Town of Woodside at Wunderlich County Park where Mitchell Postel, the President of the San Mateo County Historical Association, led a tour of the Folger Estate Stable. She reported that the Peninsula Humane Society's Joint Powers Agreement (JPA) with the 20 cities in San Mateo County is coming up for renewal. She stated that the Peninsula Humane Society has proposed a $20,000,000 project, but that the JPA members have had no say on the cost of the project.

Mayor Benton announced that a Hillsborough Neighborhood Network (HNN) Emergency Prep Info Session will be held on Monday, September 16, 2013, from 9:00 a.m. to 10:30 a.m. in the Council Chambers.

Mayor Benton announced that on Sunday, September 15, 2013, the Community Document Shredding event will be held from 12:00 p.m. to 3:00 p.m. in the Town Hall parking lot, and that the Hillsborough Farm Stand will be held in the Walnut Avenue gravel parking lot from 2:00 p.m. to 4:00 p.m.

Councilmember Christianson reported that she attended the Outdoor Movie Night on Friday, August 30, 2013, in the Town Hall parking lot, and stated that it was a beautiful evening, but the event was lightly attended probably because it was on a holiday weekend.

Mayor Benton announced that the InnVision Shelter Network Benefit Breakfast will be held on Thursday, October 10, 2013, from 7:30 a.m. to 9:00 a.m. at the Hyatt Regency in Burlingame.

Mayor Benton reported that on Saturday, September 7, 2013, he attended the Leadership Program class with the Mayors of the City of Burlingame, Foster City and San Mateo, and that Police Captain Doug Davis was one of the 34 members of the class.

ADJOURNMENT:

Mayor Benton adjourned the meeting at 8:47 p.m. in memory of former City Manager Bob Davidson who passed away on Monday, September 2nd. He stated that Bob was the Town's fourth City Manager and served for over 18 years from September 1976 to December 1994.