

**MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, FEBRUARY 10, 2020**

CLOSED SESSION:

Mayor Christianson called the meeting to order at 4:00 pm at the Hillsborough Town Hall, 1600 Floribunda Avenue, Hillsborough, California.

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

PUBLIC COMMENT:

There were no public comments.

PUBLIC ANNOUNCEMENT OF CLOSED SESSION ITEMS

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Section 54956.9(d)(2) of the California Government Code: Two potential cases

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)
Town of Hillsborough v. Flintstone LLC, Florence Fang; Flintstone LLC, Florence Fang v. Town of Hillsborough, et al. San Mateo Superior Court Action No. 19CIV01442

C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section 54956.9(d)(1)
Name of Case: Brad Baruh, Kathy Baruh, Charles Bolton, Eldridge Gray, John Lockton, David Marquardt, Paul Rochester, Arthur Stromberg, Charles Syers, individually and on behalf of all others similarly situated v. Town of Hillsborough and Does 1-100, inclusive, San Mateo County Superior Court Case No. 16CIV02284

D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9(d)(1)
Crown Castle NG West LLC v. Town of Hillsborough, et al.
United States District Court for the Northern District of California
Case No. C 18-22473 JSC

ADJOURN CLOSED SESSION

CITY COUNCIL MEETING:

Mayor Christianson called the regular meeting to order at 6:00 pm at the Hillsborough Town Hall, 1600 Floribunda Avenue, Hillsborough, California.

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

PLEDGE OF ALLEGIANCE

REPORT FROM CLOSED SESSION: Mayor Christianson reported out that the City Council unanimously voted 5-0 to reject the Yvonne Chen claim, and unanimously voted 5-0 to approve the settlement of the Jen and Eric Hoogeveen claim in the amount of \$1,000, which will be paid by a consultant to the Town.

MINUTES: The minutes of the January 13, 2020 City Council meeting were approved as submitted.

PRESENTATIONS:

- Mayor Christianson presented former Director of Building and Planning Liz Cullinan with a Resolution of Appreciation for her retirement from the Town of Hillsborough after 12 years of service. The Councilmembers thanked Ms. Cullinan for her service to the

Town. Ms. Cullinan thanked the City Council for the opportunity to serve the Town and her family and friends for their support, and commended the Architecture and Design Review Board members and Town staff for their dedication to the Town.

- Mayor Christianson presented Marta Bookbinder, 2019-2021 President of the League of Women Voters of North and Central San Mateo County, with a resolution for the Centennial Suffrage Celebration and League of Women Voters 100th Anniversary.
- Mayor Christianson announced that the Town will be an official partner for the 2020 Census and read the Town's 2020 Census Partner resolution.

Mayor Christianson announced that Public Hearing Items 6 and 7 pertaining to new residences were pulled from the agenda and would not be addressed at this evening's meeting.

CONSENT CALENDAR:

On motion of Vice Mayor Royse, seconded by Councilmember May and unanimous on voice vote, Consent Calendar items 1 through 5 were approved.

1. MONTHLY CLAIMS: JANUARY 1 THROUGH JANUARY 31, 2020

The monthly claims for the month of January 2020 in the amount of \$3,690,104.81 were approved as submitted.

2. RESOLUTION AUTHORIZING COMPENSATION ADJUSTMENTS FOR THE UNREPRESENTED EMPLOYEES

The resolution authorizing compensation adjustments for the Unrepresented employees was adopted.

3. RESOLUTION ACCEPTING AS COMPLETE THE CONTRACT WITH G. BORTOLOTTI & CO. FOR THE 2019 STREET RESURFACING PROJECT IN THE AMOUNT OF \$2,741,660.73

The resolution accepting as complete the contract with G. Bortolotto & Co., Inc. for the 2019 Street Resurfacing Project in the amount of \$2,741,660.73, and authorizing staff to file a Notice of Completion for the Project and release withheld retention in accordance with state prompt payment laws was adopted.

4. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH TESCO CONTROLS, INC. FOR THE SCADA SYSTEM ASSESSMENT IN THE AMOUNT OF \$83,250

The resolution authorizing the City Manager on behalf of the Town to execute an agreement with Tesco Controls, Inc. for the SCADA System Assessment in the amount of \$83,250 with a 10% contingency for a total amount not to exceed \$91,575 was adopted.

5. RESOLUTION ACCEPTING AS COMPLETE THE CONTRACT WITH JMB CONSTRUCTION, INC. FOR THE SANITARY SEWER PUMP STATION IMPROVEMENTS PROJECT – PHASE 1 AT SUGAR HILL IN THE AMOUNT OF \$958,955

The resolution accepting as complete the contract with JMB Construction, Inc. for the Sanitary Sewer Pump Station Improvements Project – Phase 1 at Sugar Hill in the amount of \$958,955, and authorizing staff to file a Notice of Completion for the Project and release withheld retention in accordance with state prompt payment laws was adopted.

PUBLIC HEARING:

6. RESOLUTION APPROVING THE FINAL DESIGN REVIEW OF A NEW RESIDENCE OVER 8,000 SQUARE FEET AT 2980 PRIVET DRIVE

The agenda item for the resolution approving the final design review of a new residence over 8,000 square feet at 2980 Privet Drive was removed at the request of the applicant and the item was not considered by the City Council.

7. RESOLUTION APPROVING THE FINAL DESIGN REVIEW OF A NEW RESIDENCE OVER 8,000 SQUARE FEET AT 940 WEST SANTA INEZ AVENUE

The agenda item for the resolution approving the final design review of a new residence over 8,000 square feet at 940 West Santa Inez Avenue was removed at the request of the applicant and the item was not considered by the City Council.

NEW BUSINESS:

8. RESOLUTION APPROVING AND AUTHORIZING THE CITY ENGINEER TO DECLARE A 15 MILES PER HOUR SPEED LIMIT WITHIN 500 FEET OF SCHOOLS

Associate Engineer Natalie Asai provided a presentation and reported that this resolution would allow the City Engineer to authorize the installation of 15 miles per hour speed limit signs within 500 feet of schools in Hillsborough per the conditions of the California Vehicle Code. She stated that members of the community, including parents, school district staff and residents near schools, have brought to staff's attention their concern for pedestrian safety at intersections near schools. She reported that Town staff recently worked on a number of ways to improve the safety at the intersections, such as ensuring proper signage compliant with state law, installing curb ramps, and updating crosswalk layouts to provide the safest path of travel to and from schools. Additionally, she stated that TJKM Transportation Consultants was hired to provide a traffic study around the schools for additional recommendations.

Ms. Asai stated that a recommended opportunity to improve pedestrian safety near schools would be to reduce the speed limit within school zones to 15 miles per hour. She reported that currently the speed limit within school zones is 25 miles per hour; however, per California Vehicle Code Section 22358.4, a local authority may declare a 15 miles per hour prima facie limit in a residence district within 500 feet of schools if the posted speed limit is 30 miles per hour or slower, if posted with a school warning sign and speed limit of 15 miles per hour, and while children are going to or leaving school either during school hours or during noon recess. She stated that Town staff evaluated and determined that per the California Vehicle Code, the 15 miles per hour speed limit would apply to all schools except Nueva School, which is located on Skyline Boulevard and where the existing speed limit is 45 miles per hour.

Ms. Asai provided a map showing the locations where the speed limit signs are proposed to be located at North School/Crocker School, West School, and Crystal Springs Uplands School.

Ms. Asai stated that the recommendation is to adopt the resolution approving and authorizing the City Engineer to declare a 15 miles per hour prima facie speed limit within 500 feet of schools as determined necessary.

The Councilmembers, Ms. Asai, Director of Public Works Paul Willis and Police Chief Doug Davis discussed the reduction in speed limit near school zones and traffic safety.

The Councilmembers recommended that Town staff advise the schools and educate the community about the proposed reduction in speed limit.

Mayor Christianson opened the meeting up for public comments.

Hillsborough resident and Hillsborough City School District Board Member Gilbert Wai thanked Police Chief Davis and the Hillsborough Police Department for their concern for

student safety and for the recommendation of implementing a reduction in the speed limit in school zones to 15 miles per hour. He commented that communication with the public is always a challenge, and stated that it would be important to inform parents and grandparents about the 15 miles per hour speed limit and traffic safety near schools.

Hillsborough resident Sheila Druskin stated that she has been a volunteer crossing guard for over seven years at the crosswalk at the intersection of Ralston Avenue and Eucalyptus Avenue, and reported on her many experiences with dangerous traffic incidents, such as cars rolling right up to or zooming by her and students. She stated that many students do not walk or bike to school because of the dangerous crosswalk. She recommended installing a raised crosswalk, cleaning up the overgrown plants on the stone pillar at the Carolands Gatehouse to improve the sight line, and for the Town to install blinking lights at the crosswalk. She reported that students are not using the new crosswalk at the intersection of Ralston Avenue and Eucalyptus Avenue. She stated that the Hillsborough City School District posted an opening for a crossing guard on Hillsborough Together, but there has been no interest from the community. She requested that the Town help fund the cost of a crossing guard.

Hillsborough resident Julie Ann Dougery stated that she is the Safety and Wellness Committee Chair at North School. She reported that her six-year-old son bikes against traffic because of the way the intersection is set up and a flaw in the traffic study. She commented that she is thankful for the Town's consideration of the 15 miles per hour speed limit at school zones, but there is still a lot to be done. She stated that the Hillsborough City School District needs help in funding a crossing guard, who could save a life as she has seen a lot of pedestrians and bicyclists involved in vehicle collisions as a Doctor of Physical Therapy.

Hillsborough resident MJ Wasim stated that she has two kids at North School and reported that most drivers are currently going 35 miles per hour in the school zone. She stated that if the speed limit is reduced to 15 miles per hour in the school zone, drivers will probably drive at 20 miles per hour, but she is in favor of the 15 miles per hour speed limit. She stated that with the pilot program of moving the crosswalk to the southwest side of the intersection of Ralston Avenue and Eucalyptus Avenue, children are still crossing at the old intersection. She further stated that some properties do not have parking strips, which require pedestrians to walk in the street, and she recommended that the Town work with property owners to come up with a parking strip improvement program to create a safe walking path to schools.

Hillsborough resident Mike Swire stated that he has two kids at Crocker Middle School who walk to school and that he supports the 15 miles per hour speed limit in school zones as a lot of cities have done this. He stated that there is a benefit to reducing the speed limit from 25 miles per hour to 15 miles per hour, and he reported on the reduction in stopping distances, collisions, fatalities and serious injuries. He also reported on the benefits of walking or biking to school, such as a reduction in traffic and greenhouse gases, and improved health. He provided percentages of the number of kids that bike or walk to school in Hillsborough compared to Palo Alto. He stated that reducing the speed limit is a great first step to get more kids to bike or walk to school, but the intersection of Ralston Avenue and Eucalyptus Avenue needs additional improvements for safety.

Hillsborough resident Max Shevyakov stated that he has a six-year-old at North School, whom he drops off and picks up. He stated that a 15 miles per hour speed limit in the school zones is a great start. He stated that there is a lot of traffic congestion near the school, which makes it hard for drivers to see pedestrians. He stated that he will not let his daughter walk to school by herself as drivers do not look out for the kids. He reported that they were almost hit by a vehicle while crossing the intersection of Ralston Avenue and Eucalyptus Avenue. He stated that hiring a crossing guard is a no-brainer, and that installing a raised crosswalk and trimming the overgrown plants on the stone pillar at the Carolands Gatehouse are also no-brainers. He reported that kids are taking the most direct path and not using the pilot temporary crosswalk at the intersection of Ralston Avenue and Eucalyptus Avenue.

On motion of Councilmember May, seconded by Councilmember Chuang and unanimous on voice vote, the resolution approving and authorizing the City Engineer to declare a 15 miles per hour prima facie speed limit within 500 feet of schools as determined necessary was adopted.

9. RESOLUTION ADOPTING THE 2020 SALARY SCHEDULE FOR THE TOWN OF HILLSBOROUGH

Human Resources Manager Kristin Armbruster stated that this resolution memorializes changes to the salary schedule due to approved salary increases that were approved earlier this evening on the Consent Calendar. She further stated that the California Public Employees Retirement System requires the pay schedule to be adopted at a public meeting of the governing body during open session.

On motion of Councilmember Benton, seconded by Councilmember May and unanimous on voice vote, the resolution adopting the 2020 Salary Schedule for the Town of Hillsborough was adopted.

PUBLIC COMMENT:

Hillsborough resident Orna Resnekov commented that she is in favor of better cell service in Hillsborough; however, in ways that preserve the Town's aesthetics and in ways that do not have an effect on property values. She stated that she is a proponent of maximizing undergrounding of cell tower-related equipment, and urged the City Council to not weaken the design standards for underground vaults. She stated that Crown Castle recently installed underground vaults that are flush to grade in Rancho Palos Verdes and Montecito. She stated that Hillsborough has no obligation to sacrifice the Town's aesthetics in order to save Crown Castle and other wireless carriers money. She urged the City Council to be responsible trustees of Hillsborough citizens' public property and help fulfill the Town's public health and safety responsibilities. She requested the City Council to consider undergrounding all utilities every time a road is resurfaced to improve the Town's aesthetics, lower the fire risk, and enhance property values.

Hillsborough resident Patrick Shannon commented on the oral arguments of the Ninth Circuit Court of Appeals hearing that occurred earlier in the day on the case involving several cities and the Federal Communications Commission (FCC). He stated that lead counsel Joe Van Eaton advanced the primary argument that the aesthetic criteria in the FCC order limits local control so severely that they render local aesthetic restrictions essentially meaningless and therefore makes the FCC criteria arbitrary and capricious. He reported that Mr. Van Eaton argued that technical feasibility gives the wireless carriers an automatic out from complying with local aesthetic restrictions, and that the FCC does not have authority to restrict local regulation in the rights of way because local jurisdictions have a proprietary interest in the rights of way, not just a regulatory interest. He also reported that Mr. Van Eaton argued that the FCC's application of an effective prohibition standard is invalid and the court should reject it in favor of the actual prohibition standard affirming local authority to regulate aesthetics of wireless facilities. Mr. Shannon stated that the arguments were well-received and the case is on expedited review of approximately three to six months. He stated that it is unlikely for the FCC to appeal a loss to the US Supreme Court. He further stated that there is a very strong likelihood for a final and binding favorable decision by this summer on the issue of the validity of the FCC order, especially aesthetics.

CITY COUNCIL ITEMS:

Councilmember May stated that he attended the Peninsula Clean Energy (PCE) Board meeting held on Thursday, January 23, 2020, and reported that the Board approved the acceptance of large hydroelectric allocations from PG&E's Diablo Canyon Power Plant at a cost of approximately \$5 million, which will result in cost savings to PCE and an improved rate for customers.

Councilmember Benton stated that he attended the Bay Area Water Supply & Conservation Agency (BAWSCA) Board meeting held on Thursday, January 23, 2020, and reported that the water level at the reservoirs remain good; however, historically, wet years are followed by dry years.

Councilmember Benton stated that he attended the South Bayside Waste Management Authority (SBWMA) Board meeting held on Thursday, January 30, 2020, and reported that the SBWMA is trying to meet the rules and regulations of Senate Bill 1373, which requires removing more food waste out of landfill and into compost.

Vice Mayor Royse stated that Councilmember Chuang, Director of Building and Planning Sarah Fleming and he attended the Association of Bay Area Governments (ABAG) General Assembly on Friday, February 7, 2020. He stated that the program included Senator Scott Wiener and two other legislators who discussed new housing legislation, the current Regional Housing Needs Allocation (RHNA) cycle and implications for the Bay Area. He reported that Senator Wiener plans to reintroduce Senate Bill 50 until it passes, which may affect local zoning laws by allowing fourplexes.

Mayor Christianson reported that last month the Town sent a letter to Senator Scott Wiener, Senator Jerry Hill and the League of California Cities opposing Senator Wiener's Senate Bill 50 (SB 50) and expressing the Town's specific concerns regarding local zoning restrictions and housing development. She stated that Senator Hill voted "no" on SB 50, which failed to pass on Thursday, January 30, 2020.

Mayor Christianson reported that the San Mateo County Civil Grand Jury is looking for residents to serve on the Grand Jury. She asked the Councilmembers to let her know of any resident that would like to serve as a Grand Juror.

Mayor Christianson stated that she attended the SFO Community Roundtable on Wednesday, February 5, 2020, and reported that Burlingame Councilmember Ricardo Ortiz was elected Chairperson and Portola Valley Councilmember Ann Wengert was elected Vice Chairperson.

Mayor Christianson reported that she received a letter from Burlingame City Manager Lisa Goldman requesting that the Town submit a letter in support of the Broadway Grade Separation Project. Mayor Christianson stated that her inclination is to support the Project and if the Councilmembers had any concerns to let her know.

Councilmember May reported that Peninsula Clean Energy's 200-megawatt facility in Los Banos is officially online and will be able to provide electricity for 100,000 San Mateo County homes.

ADJOURNMENT:

The City Council meeting was adjourned at 7:43 pm.