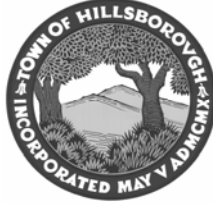


TOWN OF HILLSBOROUGH

San Mateo County

D. Paul Regan, Mayor
Thomas M. Kasten, Vice Mayor
John J. Fannon
Charles F. Adams
Catherine U. Mullooly

1600 Floribunda Avenue
Hillsborough, CA 94010



A G E N D A

MONDAY – November 8, 2004

5:30 p.m. CLOSED SESSION

6:00 p.m. CITY COUNCIL MEETING

Hillsborough Town Hall

Closed Session: (5:30 p.m.)

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Section 54956.8)

Property: Whitwell Road, parcel number 030-211-010 (lot 3, Block "A" Hillsborough Park No. 2)

Agency negotiator: City Attorney, Norm Book and Public Works Director, Martha DeBry

Negotiating parties: Mr. Brenden Murphy, owner of 1045 Whitwell, and Mr. Steven Karp, owner of 1048 Black Mountain Road

Under negotiation: Sale of property

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. MINUTES: September 13, 2004 and October 11, 2004

IV. PRESENTATIONS: Reserve Police Officer Swearing In – Daniel Huie M.D., J.D.

Award ceremony for the First Annual Central County Fire Department Fire Safety Poster Contest Winners

V. PROCLAMATION: America Recycles Day - November 15, 2004

VI. CONSENT CALENDAR:

The Consent Calendar includes routine items which do not require discussion. A Councilmember may remove an item for discussion, and any member of the audience may request a Councilmember to remove an item for discussion. The items are approved in one motion.

1. MONTHLY CLAIMS OCTOBER 1 THROUGH OCTOBER 31, 2004
2. RESOLUTION AUTHORIZING FEDERAL FUNDING FOR THE CRYSTAL SPRINGS ROAD REHABILITATION PROJECT
3. RESOLUTION ESTABLISHING THE LOCAL APPOINTMENTS LIST FOR CALENDAR YEAR 2005
4. ANNUAL PROGRESS REPORT ON GENERAL PLAN

VII. NEW BUSINESS:

5. FINANCIAL REPORT FOR QUARTER AND YEAR ENDING JUNE 30, 2004
6. INTRODUCE ORDINANCE AMENDING CHAPTER 15.16 OF THE HILLSBOROUGH MUNICIPAL CODE REGARDING SEWER BACKWATER PREVENTION
7. RESOLUTION APPROVING REPLACEMENT OF ROOFS AT VARIOUS PUMP STATIONS
8. RESOLUTION APPROVING MUTUAL AID AGREEMENT FOR TRANSFERS OF POTABLE WATER BETWEEN THE TOWN OF HILLSBOROUGH AND THE CITY OF BURLINGAME
9. INTRODUCE ORDINANCE AMENDING SECTION 2.12.010 AND THREE SECTIONS OF TITLE 17 (ZONING) OF THE HILLSBOROUGH MUNICIPAL CODE

VIII. OLD BUSINESS:

10. RESOLUTION APPROVING ANNUAL INVESTMENT POLICY

IX. DISCUSSION:

11. ORDINANCE PROVIDING TIME LIMITS FOR CONSTRUCTION AND REQUIRING A QUALIFIED SUPERINTENDENT

X. PUBLIC COMMENT:

Under Government Code 54954.3, members of the public have the right to address the City Council on any matter within the City Council's jurisdiction. However, the City Council may not take action on any non-agenda item (except in emergency circumstances). Before addressing the City Council, speakers are requested to complete a yellow speaker's card and submit it to the City Clerk. Please come to the podium, state your name and address, limit remarks to 3 minutes, and do not repeat comments by other speakers.

XI. CITY COUNCIL ITEMS:

This section of the agenda provides the City Council an opportunity to ask questions on any project of interest. No action can be taken on any item not on the agenda.

XII. ADJOURN

SPECIAL ACCOMMODATIONS:

If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in the City Council meeting, or if you need an agenda in an alternate form, please contact the City Clerk's Office at 375-7412 at least 24 hours before the scheduled Council meeting.



AGENDA – REPORTS

HILLSBOROUGH CITY COUNCIL

Monday, November 8, 2004
6:00 p.m.
Hillsborough Town Hall
1600 Floribunda Avenue, Hillsborough

CONSENT CALENDAR:

1. MONTHLY CLAIMS: OCTOBER 1 THROUGH OCTOBER 31, 2004 (Finance Director)

Summary: The monthly claims for the month of October 2004 in the amount of \$2,506,490.42 are presented for approval.

Recommendation: Approve the monthly claims for October 2004 as submitted.

2. RESOLUTION AUTHORIZING FEDERAL FUNDING FOR THE CRYSTAL SPRINGS ROAD REHABILITATION PROJECT (City Engineer)

Summary: The Town is eligible for Federal Transportation Program funds through the Metropolitan Transportation Commission (MTC) which administers the program. Last year, the funds were used for the repaving of Skyline Boulevard. The MTC has advised that up to \$114,000 is available to the Town during the 2005-2007 Program Cycle. Since the funds can only be used for certain arterials, only Crystal Springs Road qualifies for the funding.

The MTC requires that the Town stipulate to the several assurances included in the attached resolution. The Town must provide a minimum of 11.47% in matching funds and commit to funding any cost increases beyond the original grant. The Town must also commit to doing the rehabilitation work within the Program timeframe.

Recommendation: Adopt the resolution providing the required assurances, and authorize staff to file an application for federal Surface Transportation Program funding for the Crystal Springs Road Rehabilitation Project.

3. RESOLUTION ESTABLISHING THE LOCAL APPOINTMENTS LIST FOR CALENDAR YEAR 2005 (City Attorney)

Summary: Government Code Section 54972 requires that on or before December 31 of each year, the City Council shall prepare an appointments list of all regular and ongoing boards, commissions and committees that are appointed by the City Council. Government Code Section 54973 requires that the Local Appointments List be made available to the public. Government Code Section 54974 requires that whenever an unscheduled vacancy occurs in any body on the Local Appointments List, a special vacancy notice be posted in the office of the City Clerk and in the designated library and in other places as directed by the City Council. The appointees' list shall contain the following information:

- (a) A list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position
- (b) A list of all boards, commissions, and committees whose members serve at the pleasure of the legislative body, and the necessary qualifications for each position

Recommendation: Adopt the resolution establishing the local appointments list for calendar year 2005.

4. ANNUAL PROGRESS REPORT ON GENERAL PLAN (City Planner)

Summary: Government Code Section 65400(b)(1) mandates that all cities and counties submit to their legislative bodies an annual report on the status of the general plan and progress in its implementation. A copy of the Progress Report must also be sent to the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

OPR indicates that the main purpose and most important function of the Progress Report is to provide local legislative bodies with information regarding implementation of the general plan. They specify that the Progress Report should provide a clear correlation between land-use decisions that have been made during the year and goals, policies and implementation programs of the adopted general plan. OPR has a recommended format for the Progress Report to which the report is as consistent as is practical. Providing a copy of the report to HCD fulfills a statutory requirement to report certain housing information, including the local agency's progress in meeting its share of regional housing needs, and local efforts to remove governmental constraints to the development of housing (as defined in Government Code Sections 65584 and 65583).

A copy of the report is included in the City Council's agenda packets.

Recommendation: Accept the Annual Progress Report and authorize the City Planner to send it to OPR and HCD.

NEW BUSINESS:

5. FINANCIAL REPORT FOR QUARTER AND YEAR ENDING JUNE 30, 2004 (Finance Director)

Summary: Included in the agenda packet for the City Council's review is the Town's unaudited report for the quarter and year ending June 30, 2004. Staff will give a short presentation highlighting financial operations for the 03-04 fiscal year as summarized in the executive summary of the report.

Recommendation: Accept the Town of Hillsborough's Financial Report (unaudited) for the quarter and year ending June 30, 2004.

6. INTRODUCE ORDINANCE AMENDING CHAPTER 15.16 OF THE HILLSBOROUGH MUNICIPAL CODE REGARDING SEWER BACKWATER PREVENTION

(Public Works Director)

Summary: Included in the City Council's packet is an ordinance that would require the installation of backwater protection which may include backwater valves, more commonly known as back flow devices, clean outs with pressure relief valves, ejector or pump systems.

Two time frames for installing backwater protection are established:

- 1) January 1, 2005 through December 31, 2006 – Applies to anyone applying for a plumbing permit; and
- 2) After January 1, 2007 – Applies to all properties that need backwater protection systems as determined by the Public Works Department.

Under this proposal, when residents apply for a plumbing permit, residents first need to complete the certification that protection is already in place, arrange for adequate backwater protection to be installed, or receive an exemption from the requirement. Many residences in Hillsborough already have clean outs and back flow devices installed, and this ordinance will not slow the permit process for those residences.

The certification form will require applicants to specify the location of the components of their backwater protection. Copies of this information will be filed at the Building Department and at the Public Works Department. If the plumbing application is made by someone other than the homeowner, a copy of the certification will be mailed to the homeowner.

Most importantly, this ordinance will also transfer liability to homeowners if they fail to install and maintain backwater protection at their home. A program to educate residents is being developed to coincide with the adoption of the ordinance.

Several Bay Area jurisdictions including the Town of Belvedere and Stege Sanitary District (El Cerrito/Richmond) have implemented similar ordinances that require back flow devices to be installed within a two-year time frame. Most homeowners complied with the requirements. As a result, the agencies have seen a reduction in the severity and occurrence of claims.

The ordinance has been modified based on comments made at the October Council meeting. Included in the ordinance is a new provision to impose penalties if a property owner does not install or maintain their backwater protection. The penalty will equal 10% of annualized sewer charge for each month the homeowner is out of compliance. Staff is developing a plan for assisting residents with identifying their backwater systems, and will present that concept in December 2004.

Recommendation:

1. Introduce and waive the reading of the ordinance; and,
2. Set December 13, 2004 as a public hearing date to consider adoption of the ordinance amending Chapter 15.16 regarding sewer backwater prevention of the Hillsborough Municipal Code.

7. RESOLUTION APPROVING REPLACEMENT OF ROOF AT VARIOUS PUMP STATIONS
(Public Works Director)

Summary: The Public Works Department has developed a project to replace the roofs at the Cherry Creek, Forest View, Country Club, Tartan Trail and Skyfarm 2 pump stations. The estimated cost of the project is expected to be under \$25,000.

Many of the roofs leak and show signs of dry rot. A Town-approved 50-year composition roof material will be used at all sites. Access hatches will be added at all sites. The Tartan Trail and Country Club roofs will be structurally rebuilt as they must be slightly raised.

Staff is in the process of negotiating a price, as permitted by the Town's purchasing policy. Because the rainy season has started, staff has requested a funding allocation not to exceed \$25,000, rather than recommending specific vendors. It is likely one vendor will complete the roofing work and a different vendor will complete the structural improvements.

In the 2004 Capital Improvement Program, \$80,000 is budgeted for pump house improvements (W-156). (Additional improvements such as pump replacements will be recommended later in the year, which will cause the Town to incur expenses closer to the budgeted amount.) Funds from the project shall be allocated from the Water Fund.

Recommendation: Adopt the resolution approving replacing roofs at various pump stations.

8. RESOLUTION APPROVING MUTUAL AID AGREEMENT FOR TRANSFERS OF POTABLE WATER BETWEEN THE TOWN OF HILLSBOROUGH AND THE CITY OF BURLINGAME
(Public Works Director)

Summary: This item was first presented to the City Council in September 2004. The Water Transfer Agreement was developed to account for the transfer of potable water between the Town and the City of Burlingame.

The water systems of Hillsborough and Burlingame are connected at four points, which allows the agencies to exchange water in the time of emergencies or when water tanks or mains must be removed from service for repairs or replacement. In practice, the transfers have only occurred for maintenance purposes for a few days.

This agreement provides for the reimbursement of wholesale cost of water and manpower for non-emergency and emergency events. This is a slight change from the previous version of the document introduced in September. Both legal counsel and staff from Burlingame have reviewed the revised language. Burlingame's City Council will need to adopt the revised agreement.

Recommendation: Adopt the resolution approving the mutual aid agreement for transfers of potable water between the Town of Hillsborough and the City of Burlingame.

9. INTRODUCE ORDINANCE AMENDING SECTION 2.12.010 AND THREE SECTIONS OF TITLE (ZONING) OF THE HILLSBOROUGH MUNICIPAL CODE (City Planner)

Summary: This ordinance represents the most recent of the “clean-up” changes to the Zoning Ordinance and a minor change to the Architecture and Design Review Board ordinance. Since these four Code changes are fairly simple, it was decided that this ordinance could go directly to introduction, without first being scheduled as a discussion item.

The first proposed change is to eliminate the 2-year maximum term limit for the Chairman of the Architecture and Design Review Board. The elimination of the limit should provide flexibility in the appointment of the Chair such that the Mayor could appoint someone for only one term or several terms.

The second proposed change is to clarify the issue that arose with the City Council’s consideration of the proposed garage at 321 West Santa Inez by including both attached and detached garages in the exception for allowing the expansion of nonconforming structures.

The third proposed change is to clarify the point from which building heights are measured. Currently the Code specifies that height is measured from “natural” grade which, if a site has been developed for many years, is often difficult or impossible to determine. This change clarifies that building heights are measured from existing grade and it defines existing grade in a manner that can be easily administered.

The fourth proposed change is to reduce from seven feet to six feet the maximum ceiling height for basement areas that are not counted in FAR calculations. This new height reflects the basement height limits in a forthcoming revision to the Building Code and it will help prevent the unauthorized conversion of seven-foot high basement areas into living spaces.

Recommendation:

1. Introduce and waive reading of the ordinance; and
2. Set December 13, 2004, as the public hearing date to consider adoption of the ordinance.

OLD BUSINESS:

10. RESOLUTION APPROVING ANNUAL INVESTMENT POLICY (Finance Director)

Summary: State laws require that the Town’s investment policy be annually “rendered” to the City Council and its oversight committee. The Town’s current policy allows investments in various investment vehicles. However, the Town has traditionally invested its funds in the State’s Local Agency Investment Fund – a short-term, very liquid investment that currently pays 1.67%. Staff would like to diversify the Town’s investment portfolio and consider other qualified and allowed investment vehicles to improve the Town’s current yield. An updated investment policy was presented to the Financial Advisory Committee (FAC) at the July 26, 2004 meeting for consideration where the committee created a sub-committee to review it. After receiving input from the sub-committee, on October 18, 2004, the Financial Advisory Committee reviewed and approved changes to the investment policy for Council’s consideration.

The following documents are included in the agenda packet for the City Council's review:

- Memo summarizing the proposed changes to the investment policy
- Current investment policy
- Proposed updated policy reflecting changes approved by the Financial Advisory Committee
- Projected investment strategy based on the updated policy

Recommendation: Adopt the resolution approving the Town's annual investment policy for the fiscal year 2004-2005.

DISCUSSION:

11. ORDINANCE LIMITING TIME FOR CONSTRUCTION PROJECTS AND REQUIRING A QUALIFIED SUPERINTENDENT (Chief Building Official)

Summary: This draft ordinance has two parts, including a time limitation (with monetary penalties) for construction projects and a requirement for jobs to have qualified superintendents. This ordinance was drafted to address impacts related to construction projects, especially those which are long and/or poorly managed.

Time limits: The most significant part of this ordinance is the enactment of time limits for construction projects, based on job value, with monetary penalties for noncompliance. The ordinance includes Section 15.30.050 for the completion of construction projects, including new construction and modifications. The table allows from 9 months to up to 36 months for completion of projects ranging in value from less than \$50,000 to over \$6,000,000. A second table (Section 15.30.060) identifies penalties for not completing the projects within the time allowed. Penalties start at \$200 per day and go up to \$1,000 per day.

Property owners would be required to submit a deposit before a permit is issued. If the time limits expire, the penalties would be charged against the deposit. When the job is completed, the unused deposit would be refunded. Should the penalties exceed the deposit, the ordinance contains provisions for collection and liens.

A hearing panel would consider appeals of the penalties and would have the authority to modify or cancel them if there were appropriate grounds, based on provisions of the ordinance.

Job superintendent: This ordinance also contains a new requirement for each job to have a qualified superintendent on the site. This person would act as the first contact for concerned neighbors and Town staff. As projects become more complex, and as many homeowners attempt to manage their own projects, there has been a need to have a qualified point person who is responsible and knowledgeable about the job that can answer questions, meet with staff on pre-construction meetings, and be available to neighbors who may have concerns about the project.

Recommendation: No action necessary; discussion only.