



# AGENDA – REPORTS

## HILLSBOROUGH CITY COUNCIL

Monday, December 13, 2004  
6:00 p.m.  
Hillsborough Town Hall  
1600 Floribunda Avenue, Hillsborough

### CONSENT CALENDAR:

1. MONTHLY CLAIMS: NOVEMBER 1 THROUGH NOVEMBER 30, 2004 (Finance Director)

**Summary:** The monthly claims for the month of November 2004 in the amount of \$2,193,580.49 are presented for approval.

**Recommendation:** Approve the monthly claims for November 2004 as submitted.

2. RESOLUTION AUTHORIZING COMPENSATION ADJUSTMENTS FOR UNREPRESENTED EMPLOYEES, PUBLIC WORKS / CLERICAL UNIT, IAFF FIRE UNIT AND FIRE ADMINISTRATORS (Assistant to the City Manager)

**Summary:** This resolution memorializes changes in compensation for the Public Works/ Clerical Unit, IAFF Fire Unit, Fire Administrators and Unrepresented employees. Salary increases are based on Memoranda of Understanding (MOU) provisions, Consumer Price Index and survey data.

**Recommendation:** Adopt the resolution authorizing compensation adjustments for Unrepresented employees, Public Works/Clerical Unit, IAFF Fire Unit and Fire Administrators.

3. RESOLUTION AWARDING A CONTRACT TO SHAW PIPELINE FOR THE JEWEL PLACE / SAN RAYMUNDO ROAD STORM DRAIN PROJECT (City Engineer)

**Summary:** This project will install approximately 325 linear feet of 12-inch storm drain pipe. The project will eliminate an historic flooding issue on San Raymundo Road. The existing storm drain on San Raymundo Road has caused ponding in the roadway and flooding for local residents.

An informal bidding process was followed for this project. Three contractors were solicited to bid on the project. The following table is a list of the bids received:

#	Contractor	Bid Price
1	Shaw Pipeline Inc.	\$35,000
EE	Engineer's Estimate	\$36,375
2	Casey Construction	\$38,000
3	D'arcy and Harty Construction Inc.	\$54,000

The low bidder for this project is Shaw Pipeline Inc. Staff conducted an analysis of the proposals and verified that contractor's qualifications and experience levels are satisfactory.

This project is budgeted, and funding will be appropriated from the 2003 Bond Issue. This project is exempt from the California Environmental Quality Act (CEQA) per section 15301 (d), of the State Public Resources Code.

**Recommendation:** Adopt the resolution awarding the contract for the Jewel Place / San Raymundo Road Storm Drain Project to Shaw Pipeline Inc. in the amount of \$35,000, with a 15% contingency in the amount of \$5,250, for a total construction budget of \$40,250.

4. INTRODUCE ORDINANCE AMENDING SECTION 2.12.010 AND THREE SECTIONS OF TITLE 17 (ZONING) OF THE HILLSBOROUGH MUNICIPAL CODE (City Planner)

**Summary:** This ordinance was scheduled for introduction at the November 8, 2004 City Council meeting. Based on community input, it has been amended to not change the way in which mechanical rooms are counted in FAR calculations. 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. The four proposed changes discussed at the November 8, 2004 City Council meeting are summarized below.

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 (except for mechanical rooms) 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 January 10, 2005, as the public hearing date to consider adoption of the ordinance amending Section 2.12.010 and three sections of Title 17 (Zoning) of the Hillsborough Municipal Code.

**PUBLIC HEARING:**

5. ADOPT 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, and ejector or pump systems. The ordinance will require backwater protection at any residence requesting a plumbing permit once the ordinance becomes effective. By January 1, 2007 devices will be required at all residences as determined by the Public Works Department.

Most importantly, this ordinance transfers liability to property owners if they fail to install and maintain backwater protection. The success of this transfer will depend on the Town publicizing the backwater protection requirements. A program to educate residents is being developed to coincide with the adoption of the ordinance.

**Recommendation:**

1. Open the public hearing and receive comments;
2. Close the public hearing; and,
3. Adopt the ordinance amending chapter 15.16 of the Hillsborough Municipal Code regarding sewer backwater prevention.

**NEW BUSINESS:**

6. SEWER RISK OUTREACH PLAN (Public Works Director)

**Summary:** Staff has developed a plan for public outreach to coincide with the adoption of the Back Water Prevention ordinance (which will become law in February, 2005.) Key elements of the outreach will include research and/or physical inspection of each property, the development of printed materials such as articles for the newsletter and water bill stuffers, and outreach to plumbing contractors. Staff recommends the use of experienced maintenance staff to conduct the inspections. The request for additional allocations for materials and/or staff will be included as part of the 2005/2006 budget.

**Recommendation:** Approve the public outreach plan.

7. RESTORATION OF THE 1936 La FRANCE FIRE ENGINE (Fire Chief)

**Summary:** This Fire Engine was acquired by the Town in July of 1994 with the help of 108 residents who donated over \$38,000 for the acquisition and restoration. Since that time the vehicle has had numerous repairs. The vehicle has functioned for a limited period and now requires further repairs. The body of the 1936 LaFrance has been restored and is in excellent shape. There are current problems with the engine overheating due to leaks in the head gasket. Having removed the head from the engine for evaluation, Central Fire Department mechanics have determined that the head has been machined too many times causing the compression to increase, resulting in the head gasket leaking. The lower end of the engine is in good shape.

There are two approaches;

1. Build up the surface of the head using a process that has been successful and reducing the compression
  - This option would cost approximately \$6,000 to \$7,000
  - The engine would be more reliable
  - Central Council Fire mechanics have researched the process and have found that it has been very successful for others that have used it
  - The fire engine would remain authentic and would be fully operational including the ability to pump water
  - This proposal would retain the optimum value of this antique fire engine
  - When complete, only those approved by the Fire Chief would be allowed to drive the engine
2. Re-power the fire engine with a new motor and transmission
  - Estimated total cost of cost \$25,000 to \$30,000. In addition to the engine and transmission there will be substantial costs for fabrication, replacing the electrical system and brakes
  - When complete is should be very reliable with warranties for the component parts (engine, transmission, etc.)
  - It would not be authentic and would not be fully operational as a fire engine (unable to pump water)
  - This proposal would substantially reduce the value of this antique fire engine
  - When complete only those approved by the Fire Chief would be allowed to drive the engine

**Recommendation:** Authorize \$7,000 from the General Fund Contingency Account to repair the 1936 LaFrance Fire Engine.

## DISCUSSION:

### 8. ORDINANCE LIMITING TIME FOR CONSTRUCTION PROJECTS, REQUIRING A QUALIFIED SUPERINTENDENT, AND REQUIRING PRE-CONSTRUCTION MEETINGS (Chief Building Official)

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**Summary:** This ordinance was drafted to address impacts related to construction projects, especially those which are long and/or poorly managed. The ordinance was first discussed at the November 8, 2004 City Council meeting. One additional section has been added to the ordinance to provide for pre-construction meetings.

This draft ordinance now has two main parts, including time limitations (with monetary penalties) for construction projects and a requirement for construction management, including pre-construction meetings and qualified job superintendents.

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, in Section 15.30.050, requirements 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.

Construction Management: This ordinance also contains new requirements for pre-construction meetings and on-site qualified job superintendents. Section 15.26.010 codifies the Building Official's recent practice of requiring pre-construction meetings for major projects. These meetings, which include Engineering staff, provide a format to discuss with the contractor and property owner key management issues, such as construction parking, erosion control, recycling, work hours, keeping a clean and neat site, and responding to neighbor's issues. This meeting puts all those involved "on notice" as to what is going to be expected during the construction process.

Section 15.26.020 includes a requirement for an on-site qualified job superintendent. This person would act as the first contact for concerned neighbors and 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:** Discuss the ordinance and set it for introduction at the January 10, 2004 City Council meeting.