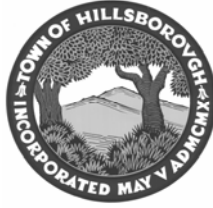


TOWN OF HILLSBOROUGH

San Mateo County

Thomas M. Kasten, Mayor
Catherine U. Mullooly, Vice Mayor
D. Paul Regan
John J. Fannon
Christine M. Krolik

1600 Floribunda Avenue
Hillsborough, CA 94010



A G E N D A

MONDAY, February 14, 2005

6:00 p.m. CITY COUNCIL MEETING

Hillsborough Town Hall

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. MINUTES: January 10, 2005

IV. ANNOUNCEMENT:

- Code Enforcement Hearing Panel Alternate Appointment - Wallace Baldwin

V. PRESENTATIONS:

- League of California Cities Excellence in Human Resources Award, awarded to Human Resources Director Bob Bell of the City of Burlingame – Jointly Nominated by the Town of Hillsborough
- Award Ceremony for the “Third Annual Red Ribbon Poster Contest” Winners

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: JANUARY 1 THROUGH JANUARY 31, 2005
2. APPROVAL OF SERVICE ORDER FOR ENGINEERING DESIGN 2005 STREET PROJECT
3. RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE A CONTRACT WITH CYBERNET CONSULTING, INC.
4. RESOLUTION APPROVING SCADA – RELATED ELECTRICAL IMPROVEMENTS

5. RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE SANITARY SEWER CLEANING AND VIDEO INSPECTION PROJECT, PHASE II
6. RESOLUTION AWARDED A CONTRACT TO D'ARCY & HARTY CONSTRUCTION, INC. FOR PIPE BURSTING ON HAYNE ROAD
7. RESOLUTION REJECTING SINGLE BID FOR THE REPLACEMENT OF ELECTRICAL PANELS AT THE TOWN OF HILLSBOROUGH CORPORATION YARD

VII. PUBLIC HEARINGS:

8. FUNDRAISING EVENT PERMIT APPLICATION NO. 05-01, CRYSTAL SPRINGS UPLANDS SCHOOL – 400 Uplands Drive
9. FUNDRAISING EVENT PERMIT APPLICATION NO. 05-02, DECORATOR SHOWCASE 136 Roblar Drive
10. APPEAL OF THE ARCHITECTURE AND DESIGN REVIEW BOARD'S DENIAL OF THE DESIGN OF A NEW HOUSE AND LANDSCAPE PLAN AT 2778 RALSTON AVENUE; White Land Co., Mr. Kevin White; property owner, applicant and appellant
11. NEGATIVE DECLARATION AND THE REVISED GENERAL PLAN
12. ORDINANCE AMENDING CHAPTER 15.04 AND ADDING CHAPTERS 15.26 AND 15.30 TO THE HILLSBOROUGH MUNICIPAL CODE

VIII. NEW BUSINESS:

13. RESOLUTION ADOPTING BUDGET ADJUSTMENTS FOR FISCAL YEAR 2004 – 2005

IX. PUBLIC COMMENT:

Under Government Code 54954.3, members of the public have the right to address the City Council on any matter within the Council's jurisdiction. However, the Council may not take action on any non-agenda item (except in emergency circumstances). Before addressing the 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.

X. 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.

XI. ADJOURN – IN MEMORY OF LEE HAM, Former member of the Architecture and Design Review Board

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 City Council meeting.



AGENDA – REPORTS

HILLSBOROUGH CITY COUNCIL

Monday, February 14, 2005
6:00 p.m.
Hillsborough Town Hall
1600 Floribunda Avenue, Hillsborough

CONSENT CALENDAR:

1. MONTHLY CLAIMS: JANUARY 1 THROUGH JANUARY 31, 2005 (Finance Director)

Summary: The monthly claims for the month of January 2005 in the amount of \$2,229,794.97 are submitted for approval.

Recommendation: Approve the monthly claims for January 2005 as submitted.

2. APPROVAL OF SERVICE ORDER FOR ENGINEERING DESIGN 2005 STREET PROJECT
(Public Works Director)

Summary: CSG has submitted a proposal for the engineering design of the 2005 Street Project. The project will set forth a variety of treatment methods, including crack sealing, root dig-outs, slurry seal, and overlay to repair streets in various locations, including a long stretch of Hillsborough Blvd., New Place Rd., Barroilhet Ave., and Downey Wy. An option on the project will include the repair of Hayne Rd. and Chateau Dr. and the Walnut Ave. parking lot. The Estimated cost for construction is \$593,000, which includes approximately \$100,000 in funds which are being reprogrammed from the 2004 Street Project.

Recommendation: Approve CSG service order in the amount of \$23,950 for engineering design of the 2005 Street Project.

3. RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE A CONTRACT WITH CYBERNET CONSULTING INC. (City Engineer)

Summary: The Town requested a proposal from Cybernet Consulting Inc., to assist the Town staff in evaluation and enhancement of the Supervisory Control and Data Acquisition (SCADA) system. The SCADA system provides the logic and control for 28 water and sewer sites such as pump stations, tanks, and lift stations. The SCADA system main computer and back-up system are located at the Hillsborough corporation yard. The Town has completed the programing of the SCADA system and will need the services of Cybernet to ensure proper operation and construction of the system, as well as suggestions for enhancements to the system. Cybernet has provided similar services to the City of Burlingame and for a variety of other jurisdictions.

Recommendation: Adopt the resolution authorizing the Director of Public Works to execute an agreement with Cybernet Consulting Inc. in the amount of \$20,500 to be funded from the 2003 bond proceeds.

4. **RESOLUTION APPROVING SCADA – RELATED ELECTRICAL IMPROVEMENTS**
(Public Works Director)

Summary: Over the past three years, Gardini Electric completed electrical improvements at the water tank sites and pump stations. This resolution authorizes \$14,564 to install battery charging and monitoring systems at 21 water sites. The monitoring system will ensure that back-up batteries used to transmit alarms are constantly charged and tested automatically on a regular basis. This feature is particularly important to ensure the proper operation of all equipment in the event of a power failure.

Recommendation: Adopt the resolution approving SCADA – related electrical improvements in the amount of \$14,564.

5. **RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE SANITARY SEWER
CLEANING AND VIDEO INSPECTION PROJECT, PHASE II**
(City Engineer)

Summary: The Phase II project was intended to clean, point repair, and inspect approximately 15,000 feet of sewer mains. The City Council awarded a contract to National Plant Services, Inc. in April of 2004 in the amount of \$222,077.40, with a contingency in the amount of \$44,415, for a total construction budget of \$266,492.40. The project started in late May of 2004, and is within one month of completion.

Staff is requesting additional funds in the amount of \$30,000 to conduct additional unforeseen point repairs and installation of two new sewer manholes for access purposes. The video inspections have identified additional sections of pipe that are damaged and require point repairs. The majority of the pipe repairs have been extremely difficult to access due to the fact that they are located within easements. Easement lines adjacent to Chiltern Rd. have been difficult to clean and inspect due to long distances between manholes and many sections of damaged pipes. Two additional manholes are also needed on this line to gain access to the pipe for future maintenance. The source of funding for this project will be the sewer fund and this project will be included in the 2003 Bond Issue.

Recommendation: Adopt the resolution authorizing additional funds for the Sanitary Sewer Cleaning and Video Inspection Project, Phase II in the amount of \$30,000 from the 2003 bond proceeds.

6. **RESOLUTION AWARDING A CONTRACT TO D'ARCY & HARTY CONSTRUCTION, INC.
FOR PIPE BURSTING ON HAYNE ROAD**
(City Engineer)

Summary: This project will install approximately 325 linear feet of new 8-inch sanitary sewer main by utilizing the pipe bursting method. This segment of the pipe was video inspected and due to proximity to large trees the most cost effective repair will be pipe bursting.

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 to D'arcy & Harty Construction, Inc. for replacement of a sanitary sewer main on Hayne Road in the amount of \$24,825, with a 15% contingency in the amount of \$3,724, for a total construction budget of \$28,549.

7. RESOLUTION REJECTING SINGLE BID FOR THE REPLACEMENT OF ELECTRICAL PANELS AT THE TOWN OF HILLSBOROUGH CORPORATION YARD (City Engineer)

Summary: This project will replace the existing main panel and sub panels at various buildings in the Hillsborough corporation yard. The project was advertised for bid in November of 2004 with a bid opening date of December 2, 2004. The only bid received was from RPE Construction. The single bid received is in the amount of \$168,640.

Staff negotiated with the contractor to evaluate options and found the contractor cooperative; however, staff recommends the rejection of the bid received and re-advertise the project in order to accept additional bids.

Recommendation: Adopt the resolution rejecting the single bid from RPE Construction for the replacement of electrical panels at the Hillsborough corporation yard and re-advertise bid.

PUBLIC HEARINGS:

8. FUNDRAISING EVENT PERMIT APPLICATION NO. 05-01, CRYSTAL SPRINGS UPLANDS SCHOOL – 400 Uplands Drive (Deputy City Clerk)

Summary: The Crystal Springs Uplands School has submitted an application to conduct a fundraising event including a dinner and auction at 400 Uplands Drive in Hillsborough. This event is proposed to take place on Saturday, April 30, 2005 from 5:30 p.m. to 10:00 p.m.

The Hillsborough Municipal Code Section 5.16.080 requires a public hearing for a fundraising event permit where more than 200 people will be in attendance during any one day at any one property. Public Notices have been sent to owners of the property located within a 500-foot radius of the property listed above.

The Police, Fire and Building Departments have reviewed the application and submitted recommended conditions, which are included in the City Council's packet.

Recommendation:

1. Open the public hearing and receive comments;
2. Close the public hearing; and
3. Approve the Fundraising Event Permit Application No. 05-01 for the Crystal Springs Uplands School dinner and auction event on April 30, 2005 subject to the conditions recommended by staff.

9. FUNDRAISING EVENT PERMIT APPLICATION NO. 05-02, DECORATOR SHOWCASE –
136 Roblar Avenue (Deputy City Clerk)

Summary: The Children's Institute / Hillsborough Foundation have submitted an application to conduct a fundraising event at 136 Roblar Avenue in Hillsborough. This event is proposed to take place March 18, 2005 – April 2, 2005, Thursday – Sunday, 10:00 a.m. to 4:00 p.m. and a single evening event on Saturday, April 2, 2005, 7:00 p.m. to 11:00 p.m.

The Hillsborough Municipal Code Section 5.16.080 requires a public hearing for a fundraising event permit where more than 200 people will be in attendance during any one day at any one property. Public Notices have been sent to owners of the property located within a 500-foot radius of the property listed above.

The Police, Fire and Building Departments have reviewed the application and submitted recommended conditions, which are included in the City Council's packet.

Recommendation:

1. Open the public hearing and receive comments;
2. Close the public hearing; and
3. Approve the Fundraising Event Permit Application No. 05-02 for the Children's Institute/Hillsborough Foundation from March 18, 2005 – April 2, 2005 subject to the conditions recommended by staff.

10. APPEAL OF THE ARCHITECTURE AND DESIGN REVIEW BOARD'S DENIAL OF THE
DESIGN OF A NEW HOUSE AND LANDSCAPE PLAN AT 2778 RALSTON AVENUE;
White Land Co., Mr. Kevin White; property owner, applicant and appellant (City Planner)

Summary: At its meeting on December 6, 2004, the ADRB voted 3-1 (Chairman Reisman dissented and Boardmember Jewett abstained) to deny the design of the new house and landscape plan at 2778 Ralston Avenue based on findings adopted at the January 3, 2005 ADRB meeting. This decision has been appealed by the property owner. The project received a preliminary review from the ADRB on August 16, 2004 and the first ADRB hearing was held on September 20, 2004. ADRB meeting minutes and a staff memo are included in the City Council's agenda packets.

The proposed two-story, five-bedroom house has a 4,662 sq. ft. footprint and an 11.7% FAR on the 1.36 acre lot. There are at least 8 on-site parking spaces in addition to the three-car garage. The French Eclectic style house is stucco with cast stone trim and balustrades, a slate roof and copper gutters. The driveway design complies with Town standards. The house complies with height, setback and FAR requirements as summarized below:

	<u>Proposed Project</u>	<u>Code Standard</u>
Front setback (@ Ralston Ave.)	64 feet, 6 inches	30 feet, minimum
Right side setback (east side)	32 feet, 3 inches	20 feet, minimum
Left side setback (west side)	146 feet, 7 inches	20 feet, minimum
Rear setback (@ Chateau Dr.)	25 feet	25 feet, minimum
F. A. R.	11.7%	25%, maximum
Square footage	6,969 sq. ft.	14,857.5 sq. ft., maximum
Height, above natural grade	31 feet	32 feet, maximum
Height, above finish grade	32 feet	no standard in Code

This site is the uppermost of the three lots of the Crocker Woods Subdivision, which was approved by the City Council on May 12, 2003. An ADRB Study Session was held on October 4, 2004 to address requests from some of the ADRB members and the public to better understand the ADRB applications for the three separate lots in relation to the subdivision. At the Study Session, the subdivision process was reviewed and questions were answered. A City Council Subcommittee later met with staff to review some of the issues which had been raised about the subdivision process.

This lot is the largest in the subdivision and the only one with oak trees (of those 12" or larger in diameter, 4 will be removed). Ten (10) of the 102 new trees to be planted are large-sized oaks, others are faster-growing species intended to provide more immediate screening. The Town's Consulting Landscape Architect has provided a positive report on the landscape plan. The City Engineer has requested that the property owner of this site and the adjacent property at 2768 Ralston Avenue consider a shared driveway in order to reduce the number of driveway cuts onto Ralston Avenue, but that design has not been generated.

The applicant's letter cites the basis for the appeal of the ADRB's action. The City Council may accept or reject, wholly or in part, or may modify, the recommendation of the ADRB. The City Council may also remand the application to the ADRB for further consideration with such instructions as the City Council deems appropriate.

Recommendation:

1. Open the public hearing and receive comments;
2. Close the public hearing; and,
3. Uphold without prejudice the ADRB's denial, based on findings, of the design of the new house and landscape plan at 2778 Ralston Avenue.

11. NEGATIVE DECLARATION AND THE REVISED GENERAL PLAN

(City Planner)

Summary: The State Government Code requires that every city and county have a general plan, containing at least the seven mandated elements (Land Use, Circulation, Housing, Conservation, Open Space, Public Safety and Noise) to guide the physical growth of the community. Hillsborough's current General Plan was adopted in 1994, and the Housing Element was adopted in 2002.

In March, 2004, the City Council hired the consulting firm Design Community and Environment to work with staff to update the General Plan. It was not believed that wholesale changes to the fundamental goals and policies of the current General Plan were required, but that data should be updated and some issues which had not previously been addressed should be evaluated.

The first steps of the General Plan update process included meetings with Town staff, research and data collection, the development of base maps, and stakeholder interviews. Traffic counts were taken and traffic conditions were reviewed. The consultants prepared a detailed background report containing all of the collected information and analysis. The background report was reviewed by the City Council and Town staff and comments were incorporated. A special General Plan Update website was created to provide the public with background on the General Plan and current information on the update process. The website also provided for public comments by email.

A Steering Committee of 11 citizens was appointed by the Mayor to work with staff and the consultants on the development of the draft General Plan. The Committee held three public meetings at which they reviewed and commented on the background report and the goals and policies in the current General Plan, considered alternatives, and completed a draft revised General Plan. The Committee recommends adoption of the revised General Plan.

The draft General Plan has been available (on the website, in the libraries, and at Town Hall) for public review since December 14, 2004. It was routed to the school districts, the state clearinghouse and other agencies, the adjacent cities and San Mateo County, as required by law, for review and comment. Notices were provided in the San Mateo County Times, the Hillsborough Newsletter, on the Town's website, and with a mailing (which included the Community Meeting and Public Hearing dates) to every Town household.

A Community Meeting was held on January 26, 2004 to present the draft General Plan and receive comments. All of the comments which have been received to date on the draft General Plan are included in the City Council's agenda packets. Each comment has been considered, and responses have been provided. In some instances recommended changes to the draft General Plan have been prepared. After hearing comments at the public hearing, the City Council may wish to direct staff to make additional changes. All of the changes to be made to the General Plan, including any which may result from some pending comments from the Department of Forestry and Fire Protection, will be assembled into an addendum that the Council can consider for adoption with the General Plan. Staff expects that this action would be scheduled on the consent calendar at the March 14, 2005 meeting.

A draft Negative Declaration on the General Plan has been prepared and circulated, in accordance with the provisions of the California Environmental Act. The conclusion of the assessment is that adoption of the General Plan will not result in any significant environmental impacts. Please keep in mind that the Negative Declaration must be adopted before action is taken on the General Plan.

A brief review of the revised General Plan and the responses to the various comments will be presented at the City Council meeting.

Recommendation:

1. Open the public hearing on both the Negative Declaration and the General Plan and take comments;
2. Close the public hearing;
3. By motion, adopt the Negative Declaration for the General Plan Update based on the following findings:
 - a. The Initial Study and Negative Declaration were prepared and circulated in accordance with provisions of the California Environmental Quality Act.
 - b. The Negative Declaration reflects the agency's independent judgment.
 - c. There is no substantial evidence that the project will have a significant effect on the environment, including individual or cumulative effects on wildlife.
 - d. The Office of the City Clerk is the location and custodian of the record of documents or other materials which constitute the record of proceedings upon which the decision to adopt the Negative Declaration is based.
4. Direct staff as to what changes to the General Plan should be included in the addendum and schedule March 14, 2005 for adoption of the General Plan, including the addendum.

12. ORDINANCE AMENDING CHAPTER 15.04 AND ADDING CHAPTERS 15.26 AND 15.30 TO THE HILLSBOROUGH MUNICIPAL CODE (Chief Building Official)

Summary: This ordinance was drafted to address impacts related to construction projects, especially those which are long and/or poorly managed. This ordinance was discussed at the November 8, and the December 13, 2004 City Council meetings and introduced at the January 10, 2005 meeting. An additional section was added to the ordinance in order to provide a Stop Work Reactivation Fee.

This draft ordinance consists of four parts: time limitations (with monetary penalties) for construction projects, requirement for pre-construction meetings, qualified job superintendents, and a reactivation fee for stop work orders.

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. 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 range from \$200 per day to \$1,000 per day.

Property owners are required to submit a deposit prior to permit issuance. If time limits expire, penalties would be charged against the deposit. When the job is complete, the unused deposit will 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 waive 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 the parking management plan, 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.

Section 15.04.070 is being amended to allow for a stop work reactivation fee. This fee is designed to recover costs for the staff time involved in sorting out the problems that resulted in a stop work order. Public works has a similar reactivation fee designed to recover staff costs for grading stop work orders on jobs that have already been permitted.

Interest on deposits: The subject of interest being paid on the construction completion deposit was discussed at the January 10, 2005 meeting. One piece of text was added to page 4, section 15.30.070 (b). Another piece of text was added on page 6, section 15.30.090 (b).

Recommendation:

1. Open the public hearing and receive comments;
2. Close the public hearing; and,
3. Adopt the ordinance amending Chapter 15.04 of the Hillsborough Municipal Code and adding Chapters 15.26 and 15.30.

NEW BUSINESS:

13. RESOLUTION ADOPTING BUDGET ADJUSTMENTS FOR FISCAL YEAR 2004 – 2005
(Finance Director)

Summary: In recent years, staff has found a need to report to the City Council about the status of the Town's budget and request mid-year budget adjustments. Based on favorable revenue receipts through December 2004, the Town is now in a position to fund the current year's operating budget, thereby eliminating the need to transfer \$325,000 to the Asset Replacement Fund from the General Fund reserve as originally approved. Additionally, there are enough projected revenues to shift some of the proposed transfers to the Asset Replacement Fund from the next fiscal year (2005-2006) to this fiscal year. In addition to shifting the rest of the proposed transfers to fiscal year 2006-2007, it would allow the Town to also have a projected balanced budget in fiscal year 2005-2006.

Included in the agenda packet is a spreadsheet that details the projected Town revenues for this fiscal year and the next 2 years. The report shows how the revenues compare with the budgeted and projected appropriations for the 3 fiscal years. Based on information the Town currently has, staff is projecting balanced budgets for the fiscal years 2004/2005, 2005/2006 and 2006/2007.

Recommendation: Adopt the resolution adopting budget adjustments for fiscal year 2004 – 2005.