

# TOWN OF HILLSBOROUGH

San Mateo County

Thomas M. Kasten, Mayor  
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1600 Floribunda Avenue  
Hillsborough, CA 94010



## ***A G E N D A***

***MONDAY, AUGUST 14, 2006***

***4:00 p.m. SITE VISIT***

***4:45 p.m. CLOSED SESSION***

***6:00 p.m. CITY COUNCIL MEETING***  
***Hillsborough Town Hall***

### **SITE VISIT (4:00 p.m.)**

- 10 Madrone Place

### **CLOSED SESSION (4:45 p.m.)**

#### **A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION** Section 54957

Title: City Manager

#### **B. CONFERENCE WITH LABOR NEGOTIATOR** Section 54957.6

Agency Negotiator: Anthony Constantouros, City Manager

Employee Organization: Unrepresented Employees

Police Chief, Police Captains, Executive Assistant, Deputy Fire Chief, Public Works Director, Chief Building Official, City Planner, Associate City Planner, Public Works Assistant Superintendent, Public Works Supervisors, Finance Director, Assistant City Manager, Assistant Finance Director and City Clerk

#### **C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One potential case

**REGULAR CITY COUNCIL MEETING (6:00 p.m.)**

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. MINUTES:** July 10, 2006

**IV. PRESENTATION:**

- Architecture and Design Review Board, Certificate of Appreciation – Richard Reisman
- Samuel Johnson, Jr., Superintendent of the San Mateo Union High School District, will present an overview of information regarding the bond measure to continue the modernization of the six high schools.

**V. 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: JULY 1 THROUGH JULY 31, 2006
2. RESOLUTION CONFIRMING THE REPORT OF WEED ABATEMENT CHARGES AND ORDERING COLLECTION
3. RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE SANITARY SEWER LINING PROJECT, PHASE III

**VI. NEW BUSINESS:**

4. RESOLUTION ALLOCATING \$14,554 FOR BASELINE GIS MAPPING OF VEGETATION IN TOWN-OWNED OPEN SPACES
5. RESOLUTION APPROVING PARTICIPATION IN THE BAWSCA WATER CONSERVATION LANDSCAPE PROGRAM
6. RESOLUTION AUTHORIZING BAWSCA TO NEGOTIATE THE MASTER AGREEMENT ON BEHALF OF THE TOWN OF HILLSBOROUGH

**VII. DISCUSSION:**

7. DISCUSSION ON ELECTRONIC PAYMENT SERVICES

**VIII. PUBLIC HEARING:**

8. FUNDRAISING EVENT PERMIT APPLICATION 06-07 FOR THE SAN MATEO ARBORETUM SOCIETY'S GARDEN TOUR

9. APPEAL OF THE ARCHITECTURE AND DESIGN REVIEW BOARD'S APPROVAL OF THE DESIGN OF A NEW HOUSE AT 10 MADRONE PLACE; Mr. Leo Lum, Appellant; Mr. and Mrs. Mardo Kaprealian, Applicants

**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**

**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.*

**MINUTES:**

*A copy of the unapproved minutes will be made available the Friday before the next regularly scheduled City Council meeting. Once minutes are approved by the City Council they will be made available the following day. City Council Agendas and approved minutes are available at the Town's website, [www.hillsborough.net](http://www.hillsborough.net).*



## **AGENDA – REPORTS**

### **HILLSBOROUGH CITY COUNCIL**

Monday, August 14, 2006  
6:00 p.m.  
Hillsborough Town Hall  
1600 Floribunda Avenue, Hillsborough

#### **CONSENT CALENDAR:**

1. MONTHLY CLAIMS: JULY 1 THROUGH JULY 31, 2006 (Finance Director)

**Summary:** The monthly claims for the month of July 2006 in the amount of \$3,343,223.26 are submitted for approval.

**Recommendation:** Approve the monthly claims for July 2006 as submitted.

2. RESOLUTION CONFIRMING THE REPORT OF WEED ABATEMENT CHARGES AND ORDERING COLLECTION (Fire Chief)

**Summary:** This is the yearly request for a resolution confirming the report of weed abatement charges and ordering collection. Approval of this resolution will authorize the Fire Chief to act as the City Assessor in having the charges collected.

**Recommendation:** Adopt the resolution confirming the report of weed abatement charges and ordering collection.

3. RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE SANITARY SEWER LINING PROJECT, PHASE III (City Engineer)

**Summary:** Since the bid for Phase III was awarded, field staff has identified four storm drain pipes that are severely damaged and are in need of repair prior to the beginning of the upcoming wet season:

- 245 Darrell Court - Approximately 300 lf of 12" storm drain pipe.
- 46 Eugenia Drive - Approximately 260 lf of 12" storm drain pipe.
- 1375 Black Mountain Road - Approximately 80 lf of 18" storm drain pipe.
- 1230 La Cumbre Road – Approximately 68 lf of 8" storm drain pipe.

One of the pipes is corrugated metal pipe (CMP) and the bottom of the pipe has rusted through and will collapse if left unrepaired. The other three pipes are made of concrete or clay pipe and experienced joint separation, root intrusion and severe cracking creating

the potential for collapse and erosion. Several other storm drain lines have been identified for this type of rehabilitation and will be included in next year's lining project.

This additional work on the storm drain system is estimated at \$110,000. The original project was awarded for \$800,000, including a \$68,000 contingency. Approximately \$53,000 in contingency expenses is currently anticipated in the project. Thus, an additional \$95,000 in contingency funds is needed for this expense. Funds are available through the 2006 Bond issue.

**Recommendation:** Adopt the resolution authorizing additional funds for the Sanitary Sewer Lining Project, Phase III in the amount of \$95,000 from the 2006 Bond proceeds.

## **NEW BUSINESS:**

### **4. RESOLUTION ALLOCATING \$14,554 FOR BASELINE GIS MAPPING OF VEGETATION IN TOWN-OWNED OPEN SPACES** (Public Works Director)

**Summary:** May and Associates Inc., an environmental consulting firm specializing in the evaluation, restoration, and management of biological resources, has prepared a proposal to create baseline vegetation mapping for the 250+ acres of open space in the Town of Hillsborough. This is an important first step in making informed decisions about issues such as protecting sensitive vegetation resources, determining fire management actions, and identifying problematic invasive plants. A GIS database can also be used repeatedly as a resource from which to compare future site conditions, the effects of vegetation mapping efforts, and to monitor changes in distribution patterns and abundance. This information will be a useful tool when the Town seeks grant funding for open space management activities. May and Associates will engage in the four tasks as shown in Table 1 in the agenda packet.

May and Associates is a reputable firm that is currently preparing the County of San Mateo's park system vegetation management plan, and has worked on projects such as the botanical survey for the San Francisco Public Utilities Commission (SFPUC) at the Crystal Springs Watershed, and the rehabilitation of the lakes in Golden Gate Park.

Once the Town has developed its baseline mapping, the next step would be to request a proposal to have an open space management plan developed.

The project is not budgeted, and funding needs to be allocated from the General Fund.

**Recommendation:** Adopt the resolution allocating \$14,554 for baseline GIS mapping of vegetation in Town-owned open spaces.

### **5. RESOLUTION APPROVING PARTICIPATION IN THE BAWSCA WATER CONSERVATION LANDSCAPE PROGRAM** (Public Works Director)

**Summary:** The Bay Area Water Supply and Conservation Agency (BAWSCA) administers a plan to conduct surveys of water accounts with the intention of reducing water consumption. A recent study by BAWSCA determined that the Town can realize the greatest water savings by reducing the amount of water used for landscaping. On average, Hillsborough residents

consume almost 8 million gallons per day in the summertime, as compared to about 2 million gallons per day in the winter, which is indicative of indoor use.

The conservation landscape program provides a trained irrigation auditor to visit residences. The auditor evaluates use of water and provides a site specific plan to reduce water use. Residents are presented with a report regarding their water use to assist them in managing their irrigation system.

Each residential audit costs \$450. BAWSCA has agreed to waive the \$2,500 program set-up charge. A pilot program of 100 audits is recommended at a cost of \$45,000. Town staff will promote the program through the website, newsletter, and fliers to the Garden Club. Additionally, when residents request a billing adjustment they will be advised of the conservation program.

**Recommendation:** Adopt the resolution allocating \$45,000 from the Water Fund for the BAWSCA Water Conservation Landscape Program.

6. RESOLUTION AUTHORIZING BAWSCA TO NEGOTIATE THE MASTER AGREEMENT ON BEHALF OF THE TOWN OF HILLSBOROUGH (Public Works Director)

**Summary:** The Bay Area Water Supply and Conservation Agency (BAWSCA) has requested that member agencies adopt a resolution granting BAWSCA the authority to negotiate the master agreement for the purchase of water with the San Francisco Public Utilities Commission (SFPUC). The master agreement was established in 1982 and provides the method by which wholesale water charges are set by the SFPUC. All of the Town's water supply is purchased through the master agreement.

Given the massive multi-billion dollar capital improvement program proposed by the SFPUC in the coming years, the method by which wholesale rates are set and charged is becoming an increasingly more important issue for BAWSCA members.

Art Jensen, Executive Director of BAWSCA will be present at the meeting to discuss the negotiation process.

**Recommendation:** Adopt the resolution authorizing BAWSCA to negotiate the master agreement on behalf of the Town of Hillsborough.

**DISCUSSION:**

7. DISCUSSION ON ELECTRONIC PAYMENT SERVICES (Finance Director)

**Summary:** Currently, the Town accepts cash or check payments for Town services. It also allows "automatic bill pay" where residents sign up to have their bank accounts charged to pay their water bills only. Staff has increasingly received requests from both residents and other customers for the Town to consider other electronic payment options to pay for various Town services, allowing for convenience and faster service. These payment options include credit, debit and check cards, and direct debits to bank accounts through the internet, by phone and in person.

Ideally, the cost of providing these services should be passed on to consumers. The primary fee is the discount rate charged by card companies for credit card transactions which range from 1.9% to 3% for VISA and MasterCard and even higher fees for other reward cards such as American Express and Discover. Attachment A, included in the agenda packet, summarizes all other related costs (one-time set up and on-going costs) for the various electronic payment options. However, credit card companies only allow merchants to pass on a convenience fee for transactions processed off-site (card not present). MasterCard recently launched a convenience fee pilot for a select set of government merchants. Staff does not have any information when it could consider extending this to everybody and whether other credit card companies will do the same.

The supporting memo included in the agenda packet includes an estimate of the costs of this service at a certain level of participation in each revenue category.

The City Council has the following options to consider:

- 1) Allow all payment options off-site only to enable the Town to pass on a convenience fee to cover costs of the service;
- 2) Allow all payment options off-site and on-site for all or selected revenue categories, but absorb costs of the service;
- 3) Allow all payment options and pass on a convenience fee for off-site transactions, but absorb the costs of the service for on-site transactions;
- 4) Hold off considering other payment options until such time the Town is able to pass on the costs of the service for all transactions.

**Recommendation:** Provide direction to staff on how to proceed.

## **PUBLIC HEARING:**

### **8. FUNDRAISING EVENT PERMIT APPLICATION 06-07 FOR THE SAN MATEO ARBORETUM SOCIETY'S GARDEN TOUR** (City Clerk)

**Summary:** The San Mateo Arboretum Society submitted an application to conduct its Garden Tour at 140 New Place Road, 725 Chester Way, and 96 Crystal Springs Road in Hillsborough. This event is proposed to take place on September 9, 2006.

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 properties located within a 500-foot radius of the property listed above.

The Police, Fire and Building Departments have reviewed the application and submitted comments and recommendations, 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 06-07 for the San Mateo Arboretum Society's Garden Tour on September 9, 2006, subject to the conditions recommended by staff.
9. APPEAL OF THE ARCHITECTURE AND DESIGN REVIEW BOARD'S APPROVAL OF THE DESIGN OF A NEW HOUSE AT 10 MADRONE PLACE; Mr. Leo Lum, Appellant; Mr. and Mrs. Mardo Kaprealian, Applicants (Associate Planner)

**Summary:** At its meeting of June 5, 2006, the Architecture and Design Review Board (ADRB) approved the design for a new house at 10 Madrone Place (3-2; Carey and Jewett dissented). Approval of the application was conditional upon revising the landscape plan to address the comments of the Town's Consulting Landscape Architect. The subject lot is at the corner of Madrone Place and Floribunda Avenue and across the street from the golf course of the Burlingame Country Club. Nine letters of project concern were received in the Planning Office prior to the ADRB meeting including four letters from adjacent neighbors. Public comments related to this application were received from five individuals at the ADRB meeting. Of these, three neighbors expressed design concerns including building height, massing, orientation of the new building's entry toward Floribunda Avenue and proposed tree removals; other comments were related to Municipal Code requirements for building height, construction management and parking (see attached staff memo). Two Hillsborough residents spoke in favor of the project. The ADRB meeting minutes are included in the City Council's agenda packets.

Since ADRB approval of the application on June 5, 2006, the applicant has submitted revised architectural plans to address a minor adjustment to the siting of the house on the lot, which increased the right side building setback by approximately 1'-06" (adjacent to 1868 Floribunda Avenue) and reduced the proposed garage's storage area by approximately 21 square feet, to comply with the Municipal Code requirements for maximum building height of 22'-0" at required setbacks. This minor revision did not require ADRB review. As currently proposed, the new house and detached pool cabana would be 5,518 square feet with a 24.9% floor area ratio (FAR) on the 0.5-acre lot. The Italian Renaissance style is reflected in the smooth plaster exterior finish; the stone columns, window casings and other elements; and the antiqued clay roof tiles. Second story elements of the house have been sited closest to 1868 Floribunda, where there is an adjacent two-story structure, and away from the one-story homes on Madrone Place. The project proposes four bedrooms and a three-car garage. The associated landscape plan proposes to remove a total of three trees, described in the Arborist Report to be in "fair" condition, and plant 93 new trees. The current proposed project complies with the standards in the Municipal Code as follows:

	<u>Proposed Project</u>	<u><b>Code Standard</b></u>
Front setback:	25'-0"	25'-0" min.
Rear setback:	110'-6"	20'-0" min.
Left side setback:	30'-0"	20'-0" min.
Right side setback:	21'-6"	20'-0" min.
House size:	5,518 sf	5,542 sf max.
% FAR:	24.9%	25% max.
% hardscape & structural lot coverage:	49.9%	50% max.
Maximum height:	32'-0"	32'-0" max.
Parking:	3 enclosed (garage) spaces plus 1 unenclosed space	2 enclosed (garage) spaces plus 1 unenclosed space min.

The letter of appeal was submitted on behalf of Mr. Leo Lum of 1868 Floribunda Avenue, by his attorney. The appellant's letter cites concern for appropriateness of the proposed structure relative to allowable floor area ratio (FAR) and hardscape, visual appearance of building mass and bulk, availability of guest parking, and the removal of large trees and foliage as the basis for the appeal. Staff has explained that the applicant made minor revisions to the plans such that they conform to the maximum building envelope requirements of the Municipal Code. As identified in the letter of August 7, 2006 enclosed in the City Council's packets, the applicant, Mr. Kaprealian, has met with the appellant's attorney and is willing to revise the project plans to address Mr. Lum's concerns. The City Council may accept or reject, wholly or in part, or may modify the recommendation of the ADRB.

### **Recommendation:**

1. Open the public hearing and receive comments;
2. Close the public hearing; and
3. Deny the appeal and uphold the decision of the ADRB to approve the design of the new house at 10 Madrone Place.