

TOWN OF HILLSBOROUGH

San Mateo County

Catherine U. Mullooly, Mayor
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1600 Floribunda Avenue
Hillsborough, CA 94010



A G E N D A

MONDAY, MARCH 12, 2007

4:00 p.m. CLOSED SESSION

6:00 p.m. CITY COUNCIL MEETING

Hillsborough Town Hall

CLOSED SESSION (4:00 p.m.)

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Subdivision (a) of Section 54956.9)

Name of case: Town of Hillsborough v. Tolu and Naber

B. 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: February 12, 2007

IV. 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: FEBRUARY 1 THROUGH FEBRUARY 28, 2007
2. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF HILLSBOROUGH AND THE TEAMSTERS UNION LOCAL #856 (PUBLIC WORKS/CLERICAL UNIT)

3. RESOLUTION APPROVING THE HILLSBOROUGH LOCAL HAZARD MITIGATION PLAN
4. DESIGN GUIDELINES CHECKLIST – REPORT ON FINAL ITEM TO IMPLEMENT THE RECOMMENDATIONS OF THE ZONING STUDY COMMITTEE
5. RESOLUTION APPROVING THE CONTRACT WITH FERMIN SIERRA CONSTRUCTION, INC. FOR THE 2007 STORM DRAIN REHABILITATION PROJECT
6. RESOLUTION APPROVING THE CSG WORK ORDERS FOR DESIGN SERVICES FOR THE 2007 WATER MAIN REPLACEMENT PROJECT, DESIGN OF VISTA PARK WALL, DESIGN MODIFICATION TO THE FIRE PUMP HOUSE BUILDING AT THE SKYFARM 3 TANK SITE, DESIGN TO ELIMINATE THE HAYNE ROAD SEWAGE PUMP STATION AND SUPPLEMENTAL DESIGN WORK AT THE EL ARROYO WATER TANK SITE

V. PUBLIC HEARING:

7. FUNDRAISING EVENT PERMIT APPLICATION 07-04 FOR THE PARCA AUXILIARY LUNCHEON AND FASHION SHOW
8. RESOLUTION APPROVING A 15.5% RATE INCREASE FOR RESIDENTIAL AND COMMERCIAL REFUSE COLLECTION
9. ORDINANCE REGARDING PUBLIC PARKS – ADOPTION

VI. NEW BUSINESS:

10. RESOLUTION AWARDED A CONTRACT TO JF PACIFIC LINERS, INC. FOR THE SANITARY SEWER MAINS CLEANING AND VIDEO INSPECTION PROJECT – PHASE V
11. RESOLUTION AWARDED A CONTRACT TO DUKE'S ROOT CONTROL, INC. FOR CHEMICAL ROOT CONTROL SERVICES
12. PROPOSED CHANGES TO THE TOWN HALL PARKING LOT TO IMPROVE ACCESS TO THE NEW FINANCE OFFICES

VII. DISCUSSION:

13. REVIEW OF CURRENT FUNDRAISING EVENT PERMIT PROCESS

VIII. 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.

IX. 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.

X. 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.



AGENDA – REPORTS

HILLSBOROUGH CITY COUNCIL

Monday, March 12, 2007
6:00 p.m.
Hillsborough Town Hall
1600 Floribunda Avenue, Hillsborough

CONSENT CALENDAR:

1. MONTHLY CLAIMS: FEBRUARY 1 THROUGH FEBRUARY 28, 2007 (Finance Director)

Summary: The monthly claims for the month of February 2007 in the amount of \$2,100,973.81 are submitted for approval.

Recommendation: Approve the monthly claims for February 2007 as submitted.

2. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF HILLSBOROUGH AND THE TEAMSTERS UNION LOCAL #856 (PUBLIC WORKS/CLERICAL UNIT)
(Assistant City Manager)

Summary: The Town has completed negotiations with the Public Works/Clerical Unit, represented by the Teamsters Union Local #856. The Memorandum of Understanding provides wage and benefit increases for the next five years. Notable changes include a revision of the life insurance, dental, vision and medical benefits, and the inclusion of certification incentive pay for certain mandated certificates.

Recommendation: Adopt the resolution authorizing the City Manager to execute the Memorandum of Understanding between the Town of Hillsborough and the Teamsters Union Local #856 (Public Works/Clerical Unit).

3. RESOLUTION APPROVING THE HILLSBOROUGH LOCAL HAZARD MITIGATION PLAN
(Fire Chief)

Summary: The Federal Disaster Mitigation Act of 2000 requires all cities, counties, and special districts to have adopted a Local Hazard Mitigation Plan to receive disaster mitigation funding from the Federal Emergency Management Agency (FEMA). The Association of Bay Area Governments (ABAG) has approved and adopted the ABAG report "Taming Natural Disasters" as the multi-jurisdictional Local Hazard Mitigation Plan.

Staff has worked with ABAG to develop the Town of Hillsborough annex of this multi-jurisdictional plan. The plan was reviewed by the Building, Planning, Public Works and Fire

Departments along with ABAG. The plan was then forwarded by ABAG to FEMA for their review on February 8, 2007.

It is expected that FEMA will accept the plan as submitted as has been the case with other cities in San Mateo County.

Recommendation: Adopt the resolution approving the ABAG Report "Taming Natural Disasters" as the Town of Hillsborough's Local Hazard Mitigation Plan.

4. DESIGN GUIDELINES CHECKLIST – REPORT ON FINAL ITEM TO IMPLEMENT THE RECOMMENDATIONS OF THE ZONING STUDY COMMITTEE (Associate Planner)

Summary: At its meeting of September 11, 2006, the City Council adopted the Plan to Implement the Zoning Study Committee Recommendations (Implementation Plan) to address the Town's regulation of large houses on small lots. The Implementation Plan identified tasks related to the Committee's recommendations and a timeline to reflect the City Council's priorities and allocate staff's resources accordingly for the review, adoption and/or implementation of the tasks by the end of March 2007. Tasks completed as part of the Implementation Plan include a study of building setbacks and City Council adoption of an interim Town policy regarding building setbacks for new large homes; adoption of minor modifications to the Residential Design Guidelines; and development of a Neighbor Bulletin as part of the Architecture and Design Review Board's (ADRB) Preliminary Review application. The City Council's review of the ADRB's Design Guidelines Checklist (Attachment A) is the final task of the Implementation Plan.

Staff worked with two members of the ADRB who served on the Zoning Study Committee to develop the Design Guidelines Checklist (Checklist), which will be completed by project applicants to help assure that they review and employ the principles and standards of the Design Guidelines before applications are submitted to the Planning Office. Two members of the Citizens Communication Advisory Committee (CCAC) were also given the opportunity to review and comment on the Checklist. In accordance with the adopted schedule, a draft of the Checklist was presented for review and comment by the full ADRB on February 5, 2007. After incorporating modifications requested by the ADRB and CCAC, the Checklist was approved by the ADRB on March 5, 2007. Use of the Checklist as part of ADRB applications will be implemented by staff immediately.

Recommendation: Accept the report.

5. RESOLUTION APPROVING THE CONTRACT WITH FERMIN SIERRA CONSTRUCTION, INC. FOR THE 2007 STORM DRAIN REHABILITATION PROJECT (City Engineer)

Summary: Staff has identified four areas where storm drain improvements are needed. These areas are located at 510 Eucalyptus Avenue, 2200 Ralston Avenue, Chiltern at Arden, and West Santa Inez at Brentwood. These improvements will help prevent flooding, increase pedestrian safety and decrease the annual maintenance of the storm drain system in these areas.

The Town solicited three bids and received responses from Fermin Sierra Construction, Inc. and Aguilar and Sons in the amount of \$58,800 and \$64,425 respectively. Staff conducted an analysis of the proposal and verified that their qualifications and experience levels are satisfactory. Staff is recommending a 20% contingency budget for this project.

This project is included in the capital improvement program as Storm Drain Improvements and will be funded by the 2006 Water and Sewer Bond. Because there is a need to complete the repairs in a timely manner, only a portion of the capital funding is proposed to be used at this time.

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 2007 Storm Drain Rehabilitation Project to Fermin Sierra Construction, Inc. in the amount of \$58,800, with a 20% contingency in the amount of \$11,760, for a total construction budget of \$70,560 to be funded by the 2006 Water and Sewer Bond.

6. RESOLUTION APPROVING THE CSG WORK ORDERS FOR DESIGN SERVICES FOR THE 2007 WATER MAIN REPLACEMENT PROJECT, DESIGN OF VISTA PARK WALL, DESIGN MODIFICATION TO THE FIRE PUMP HOUSE BUILDING AT THE SKYFARM 3 TANK SITE, DESIGN TO ELIMINATE THE HAYNE ROAD SEWAGE PUMP STATION AND SUPPLEMENTAL DESIGN WORK AT THE EL ARROYO WATER TANK SITE (Public Works Director)

Summary: CSG has submitted proposals for design and construction management and implementation of the following projects:

2007 Water Main Replacement Project – CSG will provide design services for this project, which includes preparation of plans, specifications, estimates and bid assistance. The total cost for the project is approximately \$800,000 with the design service cost of \$16,070. Because plans were prepared for a number of locations that were not replaced with the Phase V Water Project, the total cost for engineering is expected to be lower than the estimate. The project is funded by 2006 Bond revenues.

Design of Vista Park Wall – CSG will provide design services to construct 200 feet of wall along Vista Park, which includes preparation of plans, specifications, estimates and bid assistance. The total cost of the design services is estimated at \$15,260, and will be funded through the General Fund and a contribution by the adjoining neighbor.

Design Modification to the Fire Pump House Building at the Skyfarm 3 Tank Site – CSG will provide modifications to design the fire pump house at the Skyfarm tank site to eliminate existing pressure tanks and construct the new fire pump house adjacent to the existing building. The total cost for these design modifications is \$15,410, which includes a sub-consultant cost of \$5,000, and will be funded with 2006 Bond revenues.

Design to Eliminate Hayne Road Sewage Pump Station – CSG will provide modifications to the design of Cherry Creek Easement Sewer Rehabilitation Project to eliminate the Hayne

Road sewage pump station. The elimination of the pump station will result in significant savings in long-term operation and maintenance to the Town. A result of the process is that a portion of the sewerage will be diverted from San Mateo to Burlingame. The cost for this work is \$37,300. The design work will be funded with 2006 Bond revenues.

Supplemental Design Work at El Arroyo Water Tank Site – CSG completed modifications to the design of the water tank and the tank site and piping. The existing work order for the design and construction management for this project was approved at \$137,255, which included \$70,200 for quality control and special testing as well as air monitoring. The construction cost for this project is \$2,354,800 and the Town's contract with CSG authorizes a maximum of 9% of construction cost for construction management services. The requested additional funds in the amount of \$34,000 include staff augmentation. With this approval, the construction administration cost, including all quality control testing, will be 7% of construction cost. The additional funds for this work will be funded with 2006 Bond revenues.

Recommendation: Adopt the resolution approving the CSG service orders in the total amount of \$118,040, and allocating \$15,260 General Fund revenues and \$102,780 in funds from the 2006 Bond revenues.

PUBLIC HEARING:

7. FUNDRAISING EVENT PERMIT APPLICATION 07-04 FOR THE PARCA AUXILIARY LUNCHEON AND FASHION SHOW (City Clerk)

Summary: The Parca Auxiliary submitted an application to conduct the Parca Auxiliary Luncheon and Fashion Show at 121 New Place Road in Hillsborough. This event is proposed to take place on May 23, 2007.

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 07-04 for the Parca Auxiliary Luncheon and Fashion Show on May 23, 2007, subject to the conditions recommended by staff.
8. RESOLUTION APPROVING A 15.5% RATE INCREASE FOR RESIDENTIAL AND COMMERCIAL REFUSE COLLECTION (Public Works Director)

Summary: At the January 8, 2007 City Council meeting, a presentation was made regarding the annual rate application for municipal waste collection services submitted by Allied Waste Systems. Under the franchise agreement with Allied, costs for the coming year are projected and rate increases are proposed to bridge anticipated funding gaps. At the end of this year Allied is projecting deficits for calendar years 2006 and 2007. The Town's rate consultant, Hilton, Farnkopf and Hobson, is recommending a 19.5% rate increase to collect enough revenue to eliminate the deficits by the end of 2007. This rate is a combination of the additional 10.9% of revenue needed for 2006 and 9.8% needed for 2007.

The Town has the discretion to carryover a deficit from year to year during the term of the franchise, which will expire December 31, 2010. Based on current projections, the Town only needs to increase rates 10% to meet expenses in 2007. Staff is recommending that an additional 5.5% be added to help offset the deficit created in 2006 over the next two years. At the end of two years, the additional 5.5% increase will help offset future costs. For the average homeowner who uses a 32 gallon can, the 15.5% rate increase equals \$2.56 per month.

Refuse rates are subject to Proposition 218 protest procedures and a notice was mailed to all residences in advance of the March 2007 City Council meeting advising them of their right to protest the rate increase. To date about 20 protest letters have been received. Should a majority of rate payers object to the increase it cannot be implemented. A public hearing is required to allow protests in person.

Recommendation:

1. Open the public hearing and receive comments;
2. Close the public hearing;
3. Acknowledge information on protests received and presented by the City Clerk at the conclusion of the public hearing; and
4. Adopt the resolution approving a 15.5% rate increase for residential and commercial refuse collection.

9. ORDINANCE REGARDING PUBLIC PARKS – ADOPTION (Public Works Director)

Summary: At the February 2007 City Council meeting the first reading of the proposed parks ordinance was adopted by the City Council with several minor amendments.

During public meetings regarding the design of Vista Park, many comments were received regarding the need to regulate the use of Town parks. Municipal Code Section 9.54 has a very limited definition of parks. It does not provide guidance for special events in parks and prohibits many activities, some of which require updating. In the past, the Town had fewer parks that were infrequently used. Today, Vista Park is a very actively used park. Recently, there has also been an increased interest to access open space areas.

The draft ordinance has been developed to address the following issues:

- Establishing a definition of a park
- Setting hours for use
- Providing for the Director of Public Works to establish rules for the parks
- Establishing special use permits
- Requiring use of safety equipment when using skateboards, skates or scooters
- Designating parks as “drug-free” zones

Town facilities that would meet the proposed definition of park include:

- Vista Park
- Water Conservation Park
- Crossroads Park
- Town Hall parking lots

In addition, the ordinance addresses the use of open spaces.

Recommendation:

1. Open the public hearing and receive comments;
2. Close the public hearing; and
3. Waive the second reading and adopt the Parks ordinance.

NEW BUSINESS:

10. RESOLUTION AWARDING A CONTRACT TO JF PACIFIC LINERS, INC. FOR THE
SANITARY SEWER MAINS CLEANING AND VIDEO INSPECTION PROJECT – PHASE V
(City Engineer)
-

Summary: This project will clean, repair, remove roots, and videotape (for inspection) approximately 34,546 linear feet of sanitary sewer mains identified as top priorities for rehabilitation by the Town’s maintenance staff. In order to obtain some economy of scale, the projects for 2007, 2008 and 2009 were combined. Sewer mains included in this project are located at:

- Rowan Tree Easement
- Skyfarm Drive
- Geri Lane Easement
- Edgecourt Easement
- Silk Tree Place / Rowan Tree Easement
- Butternut Drive Easements
- Eugenia Easement
- Skyfarm Drive Easement
- Hillsborough Boulevard
- Endfield / Bowhill Easements
- Marlborough Easement

The Town held a mandatory pre-bid meeting on January 18, 2007, to familiarize all potential contractors with the difficult nature of this work. Four contractors attended this pre-bid meeting. The project bid opening was held on January 25, 2007, and only one bid was received:

#	CONTRACTOR	BID PRICE
1	JF Pacific Liners, Inc.	\$1,943,984
EE	Engineer's Estimate	\$1,500,000

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

The bid price from JF Pacific Liners, Inc. exceeded the engineers estimate by 23%. Staff met with the contractor review the project and perform some value engineering. At the conclusion of the meeting the contractor volunteered to revisit the unit prices in the bid following a more thorough site inspection of the project to review accessibility issues. The process of cleaning, inspecting and foam treating will also be modified to allow for foam treating the lines prior to cleaning. This new process will make the cleaning process more thorough and cost-effective. Following the site inspections, the contractor revised the bid by lowering it by \$370,121 for a revised bid price of \$1,573,863.

A contingency of 20% is recommended for this project based on recent and previous experience for similar work due to the nature of the numerous unforeseen problems that may be encountered. This project is included in the Capital Improvement Program and funding will be appropriated from the 2006 Water and Sewer 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 Sanitary Sewer Mains Cleaning and Video Inspection Project - Phase V to JF Pacific Liners, Inc. in the amount of \$1,573,863, with a contingency in the amount of \$314,772, for a total construction budget of \$1,888,635.

11. RESOLUTION AWARDING A CONTRACT TO DUKE'S ROOT CONTROL, INC. FOR
CHEMICAL ROOT CONTROL SERVICES (Public Works Director)

Summary: The proposed contract is for root control services that are used by Public Works to manage approximately 72,000 linear feet (13 miles) of 6-12 inch sanitary sewer mains. The chemical process referred to as "foaming" involves the use of specialized equipment that fills sewer mains with a thick herbicide coating that expands as it is dispensed (similar to shaving cream). The foam kills the tree roots on contact both inside and outside the pipe walls, where the roots will then decay and naturally slough off. When the foam is released into the pipe, it compresses against pipe surfaces penetrating cracks and joints, and it has the benefit of penetrating through wye connections to kill roots in sewer lateral pipes. Foam is reapplied every two years to keep mains root-free. Trees and other above-ground vegetation are not harmed from this process.

Tree roots are the primary cause of sanitary sewer overflows, cause structural deterioration of the mains, and provide a surface for grease and debris buildup within the sewer pipes.

Because the Town has dramatically increased the use of root control services in recent years, the average yearly cost for services has climbed to approximately \$60,000. Under the Town's purchasing policy, contracts over \$25,000 should be competitively bid. The following three companies provided proposals to supply root foaming services for the next two fiscal years. The cost was calculated using unit prices for the various pipe sizes:

#	CONTRACTOR	COST
1	Dukes Root Control, Inc.	\$105,280.00
2	The Nelson Agency	\$128,580.00
3	Jet-Vac Sewer Equipment Co., Inc.	\$137,240.00

Dukes Root Control, Inc. has provided root control services to the Town for many years, and staff has been pleased with the quality of the services and warranty response.

Funding for the project is contained in the sewer operating budget as professional services. (This is not a capital project.) No specific allocation is requested as the quantities are determined in the field on an annual basis, and funds are appropriated as part of the regular budget process.

Recommendation: Adopt the resolution awarding the contract for the Chemical Root Control Services to Duke's Root Control, Inc.

12. PROPOSED CHANGES TO THE TOWN HALL PARKING LOT TO IMPROVE ACCESS TO THE NEW FINANCE OFFICES (Public Works Director)

Summary: Following the move of the Finance Department from Town Hall to the administrative offices formerly occupied by the Fire Department, some consideration has been given as to how residents and employees will access these offices. A design concept has been developed that will minimize residents' exposure to traffic by building a ramp in the place of an existing parking space, removing the stop sign and creating a marked walking path. A copy of the proposed layout is included in the City Council packets.

To minimize traffic near the front door of the Finance Department, the U.S. Post Office has been contacted to discuss the possible movement of the mailbox to a spot in the Water Conservation Garden. The drop-off box for water payments can also be moved to this location.

Recommendation: Accept the recommendation to improve access to the new Finance Offices.

DISCUSSION:

13. REVIEW OF CURRENT FUNDRAISING EVENT PERMIT PROCESS (City Clerk)

Summary: A brief presentation will be made to the City Council regarding the current fundraising permit process.

Recommendation: For discussion only; no action required.