

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, JUNE 9, 2008

4:45 p.m. CLOSED SESSION

6:00 p.m. CITY COUNCIL MEETING

Hillsborough Town Hall

CLOSED SESSION (4:45 p.m.)

A. CONFERENCE WITH LABOR NEGOTIATOR Section 54957.6

Agency Negotiator: Kristin Armbruster, Human Resources Specialist

Employee Organization: Fire Administrators, Central County Fire

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subdivision (a) of Section 54956.9)

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

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subdivision (a) of Section 54956.9)

Name of case: Town of Hillsborough v. Ranger Pipeline

D. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: Two potential cases

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

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. MINUTES: May 12, 2008

IV. PRESENTATION:

- Architecture and Design Review Board, Certificate of Appreciation – Bruce Herman

V. RECOGNITION:

- San Mateo County Crime Lab, Outstanding Fingerprint Evidence Collection Work – Police Officer Steve Tharp

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: MAY 1 THROUGH MAY 31, 2008
2. RESOLUTION ESTABLISHING THE TOWN OF HILLSBOROUGH'S APPROPRIATIONS LIMIT FOR FISCAL YEAR 2008/2009
3. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF HILLSBOROUGH AND THE FIRE ADMINISTRATORS
4. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NEAL MARTIN & ASSOCIATES TO CONTINUE CONTRACT PLANNING SERVICES
5. ORDINANCE AMENDING HILLSBOROUGH MUNICIPAL CODE SECTION 2.12.070 (C) REGARDING TIMELINES FOR THE PROCESSING OF ARCHITECTURE AND DESIGN REVIEW BOARD (ADRB) APPLICATIONS – INTRODUCTION
6. RESOLUTION AUTHORIZING THE PURCHASE OF A REPLACEMENT POLICE SERVICE PICKUP TRUCK FROM THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) GRANT
7. RESOLUTION AUTHORIZING THE REPLACEMENT OF POLICE TRAFFIC ENFORCEMENT MOTORCYCLES
8. RESOLUTION APPROVING THE CORRECTIONS TO RESOLUTION 08-33 THAT APPROVED A 2.6% RATE INCREASE FOR RESIDENTIAL AND COMMERCIAL REFUSE COLLECTION AND ESTABLISHED FEES FOR REAR/SIDE YARD COLLECTION

9. RESOLUTION REQUESTING LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF PORTIONS OF SKYLINE, HAYNE AND BLACK MOUNTAIN ROADS
10. RESOLUTION ALLOCATING PROPOSITION 1B FUNDS TO THE GUARDRAIL REPLACEMENT PROJECT
11. RESOLUTION APPROVING THE ABANDONMENT OF A SANITARY SEWER EASEMENT AT 910 LINK ROAD
12. RESOLUTION AWARDED A CONTRACT TO DEMATTEI WONG ARCHITECTURE FOR ARCHITECTURAL SERVICES FOR THE CAROLANDS GATEHOUSE RECONSTRUCTION PROJECT
13. RESOLUTION AWARDED A CONTRACT TO CALIFORNIA TRENCHLESS, INC. FOR THE SANITARY SEWER REHABILITATION PROJECT PHASE IV – CHERRY CREEK EASEMENT (OPEN TRENCH)
14. RESOLUTION AWARDED A CONTRACT TO INSITUFORM TECHNOLOGIES, INC. FOR THE SANITARY SEWER REHABILITATION PROJECT PHASE IV – CHERRY CREEK EASEMENT

VII. PUBLIC HEARING:

15. FUNDRAISING EVENT PERMIT APPLICATION 08-03 FOR THE DICKENS HOUSE DESIGNER SHOW HOUSE
16. FUNDRAISING EVENT PERMIT APPLICATION 08-04 FOR THE DICKENS HOUSE HOLIDAY BOUTIQUE
17. ORDINANCE AMENDING TITLE 15 OF THE HILLSBOROUGH MUNICIPAL CODE REGULATING BUILDING AND CONSTRUCTION TO REMOVE THE BUILDING PERMIT FEE SCHEDULE IN SECTION 15.04.070 AND RELOCATE THE FEE SCHEDULE INTO THE HILLSBOROUGH MASTER FEE SCHEDULE – ADOPTION

VIII. NEW BUSINESS:

18. RESOLUTION TO PREFUND OTHER POST EMPLOYMENT BENEFITS (OPEB) THROUGH CALPERS; DELEGATE AUTHORITY TO REQUEST DISBURSEMENTS AND APPROVE AN INITIAL CONTRIBUTION OF APPROXIMATELY \$2 MILLION TO THE TRUST FUND
19. RESOLUTION AUTHORIZING THE REPLACEMENT OF TOWN HALL COUNCIL CHAMBERS CHAIRS

IX. DISCUSSION:

20. VISTA PARK PLAYING FIELD MAINTENANCE

21. DEVELOPMENT CODE UPDATES

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 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.

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 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, June 9, 2008
6:00 p.m.
Hillsborough Town Hall
1600 Floribunda Avenue, Hillsborough

CONSENT CALENDAR:

1. MONTHLY CLAIMS: MAY 1 THROUGH MAY 31, 2008 (Finance Director)

Summary: The monthly claims for the month of May 2008 in the amount of \$4,157,670.89 are submitted for approval.

Recommendation: Approve the monthly claims for May 2008 as submitted.

2. RESOLUTION ESTABLISHING THE TOWN OF HILLSBOROUGH'S APPROPRIATIONS LIMIT FOR FISCAL YEAR 2008/2009 (Finance Director)

Summary: The Town is required to annually adopt an appropriations limit pursuant to Article XIII B of the California Constitution based on its adopted budget. Proposition 111, which changed the method for calculating the appropriations limit, provides options to determine growth, but requires an annual election and recorded vote for the growth factors to be used in the calculation.

Included in the agenda packet is the supporting document for the calculation for the appropriations limit for FY 2008/2009 based on the percentage increases in per capita personal income and the Town's population growth.

The appropriations limit for FY 2008/2009 is \$12,172,587; the portion of the General Fund budget subject to limitation is \$10,879,069, and the estimated remaining excess appropriations limit is \$1,293,518.

Recommendation: Adopt, with a roll call vote, the resolution establishing the appropriations limit for FY 2008/2009.

3. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF HILLSBOROUGH AND THE FIRE ADMINISTRATORS (Human Resource Specialist)

Summary: The Town has reached an agreement with the Fire Administrators. The Memorandum of Understanding provides wage and benefit increases for the next five years.

Notable changes include a revision of the compensation structure, removal of the ability to pay clause and five year vesting for the retiree medical benefit.

Recommendation: Adopt the resolution authorizing the City Manager to execute the Memorandum of Understanding between the Fire Administrators and the Town of Hillsborough.

4. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NEAL MARTIN & ASSOCIATES TO CONTINUE CONTRACT PLANNING SERVICES
(Director of Building & Planning)

Summary: Over the last two years, the City Council has authorized the City Manager to execute contracts with Neal Martin & Associates for professional planning services. Staff proposes to extend the contractual agreement to provide continuing part-time planning services for the 2008-2009 fiscal year in an amount not to exceed \$35,000. The scope of services would involve supplementing the administrative residential development process and supporting Housing Element efforts. This amount has been included in the approved budget. No budget increase is associated with this request.

Recommendation: Adopt the resolution authorizing the City Manager to enter into an agreement with Neal Martin & Associates to continue contract planning services in an amount not to exceed \$35,000.

5. ORDINANCE AMENDING HILLSBOROUGH MUNICIPAL CODE SECTION 2.12.070 (C) REGARDING TIMELINES FOR THE PROCESSING OF ARCHITECTURE AND DESIGN REVIEW BOARD (ADRB) APPLICATIONS – INTRODUCTION
(Director of Building & Planning)

Summary: The Hillsborough Municipal Code currently states that projects not acted on by the Architecture and Design Review Board (ADRB) within thirty days of receipt of a complete application are automatically approved, unless a continuance is agreed to by the applicant. Due to the ADRB's monthly schedule, the potential for automatic approvals without discretion, and inconsistency with State law, staff believes this code section should be amended to delete this time limit. If this time limit is deleted, the required timelines for processing applications would default to State law. (Local jurisdictions cannot allow more time for the processing of applications than the State.)

State law specifically allows a lead agency sixty days from the determination that a project is exempt from California Environmental Quality Act (CEQA) or from when a Negative Declaration is adopted to approve or deny a project. In cases where an Environmental Impact Report (EIR) is required, State law allows between ninety and one hundred eighty days for decision making after certification of an EIR. State law also allows for continuances by mutual agreement between an applicant and the local agency.

Recommendation:

1. Introduce and waive the first reading of the ordinance; and
2. Set July 14, 2008, as the public hearing date to consider adoption of the ordinance.

6. **RESOLUTION AUTHORIZING THE PURCHASE OF A REPLACEMENT POLICE SERVICE PICKUP TRUCK FROM THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) GRANT** (Police Captain)

Summary: The white 1999 Ford unmarked Police service pickup truck has been in service for nearly ten years with over 75,000 miles and is scheduled for replacement some time during the next few fiscal cycles. Due to the high mileage and frequency of associated maintenance costs, the vehicle has exceeded its service life and replacement is recommended.

The following San Francisco Bay Area Ford dealers have been contacted via written letters regarding the availability of Ford F-150 truck replacements: San Francisco Ford Lincoln Mercury, Novato Ford and James Ford of Half Moon Bay. The request for bid participation were both faxed and mailed on May 23, 2008, with a requested response deadline of May 27, 2008.

The James Ford Fleet Sales Manager related that he would not be capable of responding to the bid request by the deadline, although San Francisco Ford Lincoln Mercury and Novato Ford provided the competitive quotes for the 2009 Ford F-150 truck. The bid comparisons came in as follows:

#	Company	Bid Price
1	San Francisco Ford Lincoln Mercury	\$27,016.04
2	Novato Ford	\$27,684.00
3	James Ford of Half Moon Bay	Declined

Recommendation: Adopt the resolution authorizing the purchase of one replacement Ford F-150 unmarked Police Department service pickup truck for the bid amount of \$ 27,016.04 from San Francisco Ford Lincoln Mercury.

7. **RESOLUTION AUTHORIZING THE REPLACEMENT OF POLICE TRAFFIC ENFORCEMENT MOTORCYCLES** (Police Captain)

Summary: Presently, the two Kawasaki Police traffic motorcycles have exceeded their service life and require replacement, as some service and replacement parts have become unavailable. Two Police motorcycle manufacturers were contacted and the Honda ST1300P and Harley Davidson Road King were evaluated. The Harley Davidson Road King units have become the industry standard and maintain a significant resale value and Kawasaki no longer produces a Police motorcycle. The bid comparisons came in as follows:

#	Company	Bid Price
1	Dudley Perkins Harley Davidson	\$17,156.55
2	Peninsula Harley Davidson	\$17,452.07
3	Bob Dron Harley Davidson	\$17,540.51

Both motorcycle units require emergency lights, siren, radio, related wiring and moving radar gear. A check with Bay Area emergency equipment installers has indicated that only one Bay Area shop performs this specialty installation while maintaining an excellent service reputation. Metromobile Communication of Menlo Park has been a long-time supplier of parts and radio programming service for the department and has submitted a proposal to outfit the motorcycles for \$12,750.11. The total labor cost was \$1,600 per unit while the remainder of the quote, \$11,150.11, represents component parts and equipment.

There is funding available in the 2007/2008 vehicle replacement line item which will fund the purchase of one unit and some outfitting cost for a total of \$ 22,712.66. The second motorcycle, both moving radar units, both radio equipment boxes, and Kenwood radios will be purchased and outfitted with a 2007/2008 Supplemental Law Enforcement Services Fund (SLESF) grant in the amount of \$31,544.55.

Recommendation: Adopt the resolution authorizing the replacement of the Kawasaki traffic motorcycles with the purchase of two 2009 Harley Davidson Road King motorcycles from Dudley Perkins Harley Davidson of South San Francisco and authorize outfitting the units with related emergency lighting, moving radar and radio equipment from Metromobile Communication of Menlo Park for \$ 12,750.11, for a total purchase price of \$34,313.09.

8. CORRECTED RESOLUTION 08-33 THAT APPROVED A 2.6% RATE INCREASE FOR RESIDENTIAL AND COMMERCIAL REFUSE COLLECTION AND ESTABLISHED FEES FOR REAR/SIDE YARD COLLECTION

(City Engineer)

Summary: This item is to correct the dates listed in Resolution 08-33, adopted by the City Council at its April 14, 2008 City Council meeting, approving the refuse rate increase. The corrections made are to the date of the protest hearing that should reflect April 14, 2008, and the effective date of the rate increase that should reflect the date of July 1, 2008. The corrected resolution is included in the City Council's agenda packet.

Recommendation: Adopt the corrected Resolution 08-33 that approved a 2.6% rate increase for residential and commercial refuse collection and established fees for rear/side yard collection.

9. RESOLUTION REQUESTING LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF PORTIONS OF SKYLINE, HAYNE AND BLACK MOUNTAIN ROADS

(City Engineer)

Summary: The Town of Hillsborough has been coordinating with the County of San Mateo for the annexation of portions of Skyline, Hayne and Black Mountain Roads. Currently, the

County has had jurisdiction over the intersection of Skyline Boulevard and Hayne Road. The Town, in conjunction with the Hillsborough Beautification Foundation (HBF), has developed landscape plans, as well as potential improvement to the aforementioned intersection to improve traffic flow and back-up at the freeway off ramp. In order for the Town to proceed with said plans to install landscaping, the County has requested the annexation to take place. This annexation is consistent with the General Plan Circulation Element (Action C-2.1) and has been approved by the Town's Police Department. With the adoption of the resolution, the Town will file an application with LAFCO to proceed with this request.

Recommendation: Adopt the resolution requesting LAFCO to initiate proceedings for the annexation of portions of Skyline, Hayne, and Black Mountain Roads.

10. RESOLUTION ALLOCATING PROPOSITION 1B FUNDS TO THE GUARDRAIL REPLACEMENT PROJECT (City Engineer)

Summary: In order to receive funds from the State relating to Proposition 1B funding, the Town must pass a resolution indicating on which projects the money will be spent. We have a pending project in design which should be in excess of the \$400,000 that will satisfy the requirements of the State. The Guardrail Replacement Project will replace many of the dilapidated guardrails in Town. This project will increase public safety throughout the Town.

This project is currently in design and is anticipated to be complete and out to public bid by August 2008.

Recommendation: Adopt the resolution allocating Proposition 1B Funds to the Guardrail Replacement Project.

11. RESOLUTION APPROVING THE ABANDONMENT OF A SANITARY SEWER EASEMENT AT 910 LINK ROAD (City Engineer)

Summary: The owners of 910 Link Road have requested that the Town of Hillsborough abandon a Sanitary Sewer (SS) Easement that crosses through their property. The owner wishes to relocate the SS main that currently runs underneath the existing house to a different easement. The property owner has agreed to construct a new sanitary sewer main with a manhole where the pipe makes a turn to provide easy access for Town maintenance crews. Simultaneous with the recordation of the SS Easement Abandonment, a new 15-foot wide sewer and storm drain easement will be grant deeded to the Town.

Per Section 8333 of the Streets and Highways Code, the legislative body of a local agency may summarily vacate a public service easement in the case where an easement has been superseded by relocation and there are no other public facilities located within the easement.

Recommendation: Adopt the resolution of abandonment for the Sanitary Sewer Easement crossing through the property at 910 Link Road, as indicated in Exhibit B.

12. RESOLUTION AWARDING A CONTRACT TO DEMATTEI WONG ARCHITECTURE FOR ARCHITECTURAL SERVICES FOR THE CAROLANDS GATEHOUSE RECONSTRUCTION PROJECT (City Engineer)

Summary: The resolution would award a contract to Demattei Wong Architecture to complete the Construction Documents Phase, the Bidding Phase and the Construction Phase – Administration of Contract for the architectural portion of the Carolands Gatehouse Reconstruction Project, as described in the Architect's Scope of Services and a Schedule of Fees, which are attached. Work will be on a time and materials basis. Carolands Gatehouse fundraisers have been consulted regarding the contract amount and attached scope of services. A work plan for the reconstruction of the Carolands Gatehouse will be submitted to the City Council by September 2008.

Recommendation: Adopt the resolution awarding the contract to Demattei Wong Architecture for architectural services for the Carolands Gatehouse Reconstruction Project. Total architectural fees to complete this work will not exceed \$8,000.

13. RESOLUTION AWARDING A CONTRACT TO CALIFORNIA TRENCHLESS, INC. FOR THE SANITARY SEWER REHABILITATION PROJECT PHASE IV – CHERRY CREEK EASEMENT (OPEN TRENCH) (City Engineer)

Summary: The contractor, California Trenchless, Inc., will install approximately 485 linear feet of new 10-inch sanitary sewer pipe along Hayne Road. This project also includes the installation of three new manholes and modification to an existing one. The contractor will be attempting to complete one segment using Horizontal Directional Drilling to avoid impacts to the oak trees and private property. If this method is unsuccessful, the contractor will perform the work using open trench methods.

The Town held a mandatory pre-bid meeting on April 17, 2008, to familiarize potential bidders with the scope of work. The project's bid opening was held on April 24, 2008. The following bid was received:

Company	Bid Price
California Trenchless, Inc.	\$234,880

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

A contingency of 20% is recommended for the project due to the potential for unforeseen work that may be required if the Horizontal Directional Drilling is unsuccessful. The project is budgeted and funding will be appropriated from the 2006 Bond issue.

This project is exempt from the California Environmental Quality Act per section 15301 (d) of the State Public Resources Code.

Recommendation: Adopt the resolution awarding the contract for the Sanitary Sewer Rehabilitation Project Phase IV – Cherry Creek Easement (Open Trench) to California Trenchless, Inc. in the amount of \$234,880, with a contingency in the amount of \$46,976, for a total construction budget of \$281,856.

14. RESOLUTION AWARDING A CONTRACT TO INSITUFORM TECHNOLOGIES, INC. FOR THE SANITARY SEWER REHABILITATION PROJECT PHASE IV – CHERRY CREEK EASEMENT (City Engineer)

Summary: The contractor, Insituform Technologies, Inc., will rehabilitate approximately 6,830 linear feet of damaged 4, 6, 8, 10 and 12-inch sanitary sewer pipe that were identified and prioritized by the Town's maintenance staff during the last cleaning and inspection project. The contractor will also rehabilitate approximately 550 linear feet of deteriorated 12, 18 and 32-inch storm drain pipes.

The repair process involves installing a new pipe within the existing pipe's interior and utilizing a heat-reacted epoxy lining which results in a stronger and smoother pipe system without trenching. The smoothness of the pipe's interior is improved, enhancing the flow characteristics and increasing the capacity of the existing piping. The "trenchless" repair process can be implemented quicker than conventional utility-trench repairs, and is accomplished without the normal street surface disruption that would otherwise occur. It is anticipated that all work will be completed within six months.

The Town held a mandatory pre-bid meeting on April 17, 2008, to familiarize potential bidders with the scope of work. The project's bid opening was held on April 24, 2008. The following bids were received:

#	Company	Bid Price
1	Insituform Technologies, Inc.	\$639,863
2	JF Pacific Liners, Inc.	\$851,460

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

Due to a change in policy with respect to the residential lateral rehabilitation pilot program, staff is proposing to eliminate lateral grouting from this contract. This method of rehabilitating the lateral connection has not proven to be effective to eliminate infiltration in the long term. Staff asked the contractor to eliminate this item of work from the scope of the project and consequently reduced the contract from \$639,863 to \$598,808. This will be formalized via a change order prior to the start of work.

A contingency of approximately 10% is recommended for the project due to the potential for any unforeseen work that may be required due to needed sewer main spot repair work, cleanout and manhole installations, or additional service lateral reconnections. The project is budgeted and funding will be appropriated from the 2006 Bond issue.

This project is exempt from the California Environmental Quality Act per section 15301 (d) of the State Public Resources Code.

Recommendation: Adopt the resolution awarding the contract for the Sanitary Sewer Rehabilitation Project Phase IV – Cherry Creek Easement to Insituform Technologies, Inc. in the amount of \$598,808, with a contingency in the amount of \$59,880, for a total construction budget of \$658,688.

PUBLIC HEARING:

15. **FUNDRAISING EVENT PERMIT APPLICATION 08-03 FOR THE DICKENS HOUSE
DESIGNER SHOW HOUSE** (City Clerk)

Summary: The St. Matthew's Episcopal Day School submitted an application to conduct the Dickens House Designer Show House at 333 Uplands Drive in Hillsborough. This event is proposed to take place on September 10 – 22, 2008.

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; and
2. Close the public hearing; and
3. Approve the Fundraising Event Permit Application 08-03 for the Dickens House Designer Show House on September 10 – 22, 2008, subject to the conditions recommended by staff.

16. **FUNDRAISING EVENT PERMIT APPLICATION 08-04 FOR THE DICKENS HOUSE
HOLIDAY BOUTIQUE** (City Clerk)

Summary: The St. Matthew's Episcopal Day School submitted an application to conduct the Dickens House Holiday Boutique at 333 Uplands Drive in Hillsborough. This event is proposed to take place on October 18, 2008, through November 2, 2008.

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; and
 2. Close the public hearing; and
 3. Approve the Fundraising Event Permit Application 08-04 for the Dickens House Holiday Boutique on October 18, 2008, through November 2, 2008, subject to the conditions recommended by staff.
17. ORDINANCE AMENDING TITLE 15 OF THE HILLSBOROUGH MUNICIPAL CODE REGULATING BUILDING AND CONSTRUCTION TO REMOVE THE BUILDING PERMIT FEE SCHEDULE IN SECTION 15.04.070 AND RELOCATE THE FEE SCHEDULE INTO THE HILLSBOROUGH MASTER FEE SCHEDULE – ADOPTION (Chief Building Official)

Summary: This item was introduced at the May 12, 2008 City Council meeting. Currently, Building Department fees are specified in the various chapters of Title 15, Building and Construction of the Hillsborough Municipal Code (HMC). For example, building permit fees are contained in Chapter 15.04, Building Code; mechanical fee references are contained in Chapter 15.12, Mechanical Code; plumbing fee references are contained in Chapter 15.16, Plumbing Code; and so forth. This is cumbersome and inconvenient for several reasons. First, any change to the fees requires passage of an ordinance to amend the HMC. Second, it is difficult for the public to access these fees. It would be more logical to relocate the Building Department fees to the Master Fee Schedule, a single, user-friendly document that contains most other Town fees.

Recommendation:

1. Open the public hearing and receive comments; and
2. Close the public hearing; and
3. Adopt the ordinance amending Title 15 of the Hillsborough Municipal Code regulating Building and Construction and amending the Town of Hillsborough's Master Fee Schedule to update and establish additional fees for Building Department services.

NEW BUSINESS:

18. RESOLUTION TO PREFUND OTHER POST EMPLOYMENT BENEFITS (OPEB) THROUGH CALPERS; DELEGATE AUTHORITY TO REQUEST DISBURSEMENTS AND APPROVE AN INITIAL CONTRIBUTION OF APPROXIMATELY \$2 MILLION TO THE TRUST FUND (Finance Director)

Summary: At the May 12, 2008 City Council meeting, the City Council agreed to accept the June 30, 2007 actuarial valuation of the Town's Retirees Healthcare Plan to implement the new accounting standard for OPEB. The Financial Advisory Committee, at its February 27, 2008 meeting, agreed to recommend to the City Council to prefund the plan, utilize the Town's OPEB reserve of approximately \$2 million as initial funding, and assigned to a subcommittee

of three members, the task of selecting the prefunding option, trust type and the trust fund administrator.

On May 30, 2008, the subcommittee met and considered three trust fund administrators and after deliberation agreed to recommend prefunding the plan through a Section 115 irrevocable trust and selected CalPERS as the trust fund administrator. Included in the agenda packet is the staff report presented to the subcommittee discussing funding mechanisms and comparing administrators.

Also included in the agenda packet is the agreement and election to prefund through CalPERS and the Delegation of Authority to request disbursements.

Recommendation: Adopt the resolution to prefund Other Post Employment Benefits through CalPERS; delegate authority to request disbursements; and approve an initial contribution of approximately \$2 million to the trust fund.

19. **RESOLUTION AUTHORIZING THE REPLACEMENT OF TOWN HALL COUNCIL CHAMBERS CHAIRS** (Police Captain)

Summary: Hillsborough Town Hall was constructed in 1994 and the Council Chambers seating furniture, which consists of chairs for Councilmembers, staff, as well as visitors, were purchased new following the construction project. Presently, there are five Councilmember chairs, nine staff chairs, in addition to 70 visitor chairs that have been in use for City Council meetings as well as a host of other meetings and training seminars held at Town Hall for 14 years.

Normal wear and occasional component failure has required that some of the visitor chairs be taken out of service and discarded. A large majority of the remaining visitor chairs, as well as several staff and City Council chairs, have excessively worn seat and back padding, which makes the seats uncomfortable. Several wholesale furniture distributors have been contacted and were invited to submit competitive bids for the replacement of City Council, staff and visitor chairs.

Funding for this purchase will be drawn from the 2007/2008 Council Chambers Furniture Capital Project line.

The bid comparisons for new replacement chairs for the Council Chambers came in as follows:

#	Company	Bid Price
1	One Work Place	\$14,889.72
2	MG West Facilities	\$14,963.24
3	RD Office Solutions	\$15,896.51

Recommendation: Adopt the resolution authorizing the purchase of new chairs for the Town Hall Council Chambers from One Work Place of Milpitas for the bid amount of \$14,889.72 to replace the existing City Council, staff and visitor chairs, with a 10% contingency fund for issues that may arise as part of this improvement project.

DISCUSSION:

20. VISTA PARK PLAYING FIELD MAINTENANCE (City Engineer)

Summary: The Vista Park playing field turf is in need of maintenance due to localized areas of turf loss, divots and holes in high use areas that have been created by organized recreational (e.g., soccer and baseball league) and community use. The maintenance involves aeration, filling and leveling divots and holes, re-seeding, and fertilizing the field. It also requires that the field remain unused for approximately six weeks in order for the seeded grass to become established.

Due to organized recreational use, there are only two opportunities to schedule this work and to fence off the field: mid-June through early August and mid-November through early-December. Scheduling the work at these times will not conflict with any activities coordinated by the Hillsborough City School District. The late spring months offer the best conditions for the seeds to germinate and take hold.

Staff is recommending fencing off the playing field from June 16 through August 4, 2008. The rest of the park will be open and accessible for public use. Staff would notify the community of the closure through postings at the field itself, on the Town's website, at Town Hall and on Town bulletin boards.

Recommendation: For information only; no action required.

21. DEVELOPMENT CODE UPDATES (Director of Building & Planning)

Summary: Staff would like to take an opportunity to bring forward a series of changes to the Hillsborough Municipal Code for purposes of consistency and permit streamlining. Following is a summary of issues that could benefit from a Code Update (with the first nine items being more substantive/policy items and the last four being more ministerial/organizational items). Depending on priorities, the City Council can choose to focus on specific items and defer others for a future meeting.

1. *Public Notification - Sections 2.12.070(A)(2) and 1.20.010(C):*

The Code currently requires public notice for administrative projects (ministerial types of projects also referred to as Type B projects) unless the City Planner waives such public notification. Past practice has been that public notice is waived on all Type B projects and that neighbor "sign-off" after Planning Department approval and before Building Permit submittal is required. The requirement for neighbor "sign-off" means that the neighbor must approve of the project. Applications that do not receive neighbor "sign-off" are referred to the Architecture and Design Review Board (ADRB), which involves additional time and expense. Many times staff can incorporate neighbor comments into a final approval on an administrative level if staff is aware of

the comments prior to a final decision. Many jurisdictions do not require public notification of ministerial projects. Consideration of eliminating the neighbor “sign-off” practice, public notice prior to the project being acted upon or the uniform waiving of public notification for ministerial projects may be appropriate.

2. *Role of ADRB – Sections 2.12.060, 2.12.070(E) and 17.32.040(A):*

The Code currently refers to the ADRB as an advisory body. The City Council should clarify whether the ADRB is a decision-making body or advisory body only.

3. *Referral to ADRB (No existing reference):*

The Code does not currently provide authority for the “City Planner” to refer items to the ADRB when such referral would be in the best interest of the community. This is always a good option to have when input from representative community members (such as the ADRB) would provide a broader review base for unique projects.

4. *Privacy Section - 17.040.010(C):*

The Zoning Code states as part of its purpose that it will ensure privacy. This may conflict with case law, which has confirmed there is no guarantee for views and privacy. The language could be modified to promote or encourage privacy.

5. *Second Dwelling Units – Sections 2.12.070(A)(1)(f), 17.52.020(C) and 17.16.010(A):*

There is a code inconsistency between processing second dwelling units administratively and through the ADRB if they are over 500 square feet. Past practice has been to process second dwelling units administratively regardless of size. Additionally, second units are not listed as permitted uses within the code.

6. *Nonconforming Structures – 17.20.020(B)(2):*

The regulations for nonconforming structures allow for enlargement of such structures so long as there is no increase in square footage. Staff recommends that this code section be clarified to be consistent with the intent of the City Council. The traditional intent of regulating nonconforming structures is to limit their lifespan and encourage construction of conforming structures while allowing reasonable interim accommodations to homeowners. However, many jurisdictions allow increases to nonconforming structures so long as they don’t increase the degree of nonconformity (i.e., increase further into an already nonconforming setback).

7. *Landscaping - 17.56.050(E):*

The regulations for landscaping require Design Review for landscaping projects exceeding \$12,500 in value. This may be an outdated number resulting in an increasing number of applications (of smaller scale) going through the Design Review and Building Permit process. This can serve as a disincentive to property owners wishing to upgrade their landscaping. As with the proposed Building Code Updates, a more updated valuation threshold could be incorporated into the Uniform Fee Schedule or other vehicle that is updated regularly, or the Town could explore utilizing a square footage or percentage of the lot threshold.

8. *Homes 8,000 Square Feet or Greater:*

On February 12, 2007, the City Council adopted a Resolution requiring that houses over 8,000 square feet in size have increased setbacks of 15’ at the front and side yards, with a minimum of

five additional feet at the front yard and the remaining ten feet could be used in the front or side setbacks. The Resolution was adopted to establish a “pilot program” for the following year.

Since February 12, 2007, of last year, three residences exceeding 8,000 square feet in size were reviewed by the ADRB. All projects incorporated the additional setback requirements. Staff has not received any complaints from applicants regarding incorporating these additional setbacks into their design. The City Council should direct staff as to whether they wish to cease the program, continue the program or codify the requirement.

9. *New Design Review Items – Section 2.12.070(B):*

On Monday June 2, 2008, the ADRB discussed re-painting and re-roofing of residences. Re-painting residences is exempt from Design Review (meaning either Administrative or ADRB review). The ADRB expressed interest in having re-painting be subject to administrative Design Review for neighborhood and architectural consistency. Re-roofing is currently subject to administrative design review. The ADRB specifically expressed interest in prohibiting roofing changes from wood shake to composition shingle.

10. *Fire and Building Code Requirements – Section 17.24.010(E) and 17.36.070(A):*

The Zoning Code incorporates old Building and Fire Code requirements (such as driveway widths and setbacks between buildings). This can cause an inconsistency when the Building and Fire Codes change (if the Zoning Code is not updated as well). Elimination of reference to the Building and Fire Code within the Zoning Code may be worthy of consideration.

11. *“City Planner” Title (Throughout the code):*

The Code currently refers to “City Planner”. The position has been reclassified and is now entitled “Building and Planning Director”. Reference to a more generic title such as “City Manager’s Designee” may be appropriate.

12. *Development Agreements (No existing Municipal Code reference):*

The Municipal Code currently does not have accommodations for Development Agreements which can be useful tools in customizing contractual agreements beyond development standards for large projects (i.e., subdivisions, re-zonings, annexations).

13. *California Environmental Quality Act (No existing Municipal Code reference):*

State law requires that local jurisdictions adopt time limits for environmental standards. Many jurisdictions simply adopt the California Environmental Quality Act (CEQA) by reference.

Recommendation: Discuss the above topics and provide feedback to staff for preparation of an Ordinance Update. Discussion and/or code adoption may be done together (i.e., on one meeting and via one ordinance or phased).