

MINUTES

REGULAR CITY COUNCIL MEETING

MONDAY, FEBRUARY 8, 2010

Mayor Krolik called the regular meeting to order at 6:05 p.m. at the Hillsborough Town Hall, 1600 Floribunda Avenue, Hillsborough, California.

ROLL CALL: Present: Krolik, Kasten, Benton
Absent: Fannon, Regan

MINUTES: The minutes of the January 11, 2010 City Council meeting were approved as submitted.

PROCLAMATIONS:

- Mayor Krolik proclaimed the month of February 2010, as the Boy Scouts of America 100th Anniversary Celebration. Cub Master Bill Long, the Webelos and Webelo leaders of Pack 58 Hillsborough, accepted the proclamation. Police Department Executive Assistant LeAnn Thornton thanked the Cub Scouts for their donations to Hillsborough's Adopt-A-Unit.
- Mayor Krolik proclaimed March 2010, as American Red Cross Month. Cindy Holzman, Councilmember on the Bay Area Leadership Council, reviewed some of the accomplishments and upcoming events for the American Red Cross Bay Area, and accepted the proclamation.
- Mayor Krolik proclaimed that the Town of Hillsborough is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

PRESENTATIONS:

- Mayor Krolik presented Citizens Communication Advisory Committee Member Beatrice Trinkner, who served as a Committee Member from June 1996 through December 2009 and as Vice Chair from January 2009 through December 2009, with a Certificate of Appreciation and thanked her for serving on the committee. Ms. Trinkner stated that it was a pleasure to serve on the Citizens Communication Advisory Committee.
- Mayor Krolik presented Citizens Communication Advisory Committee Member Janet MacGregor, who served as a Committee Member from February 2003 through November 2009 and as Chair from January 2009 through November 2009, with a Certificate of Appreciation and thanked her for serving on the committee. Ms. MacGregor stated that she thoroughly enjoyed working with the Town.
- Mayor Krolik presented Public Works Maintenance Worker Mike Martinelli with a Resolution of Appreciation upon his retirement for his fifteen years of valuable service to the Town. Public Works Director Martha DeBry thanked Mr. Martinelli and wished him well in his retirement. Mr. Martinelli thanked the management team and stated that he appreciated working for the Town for the past 15 years.

CONSENT CALENDAR:

Items 3, 4 and 6 were removed for discussion. On motion of Councilmember Benton, seconded by Vice Mayor Kasten, and unanimous on voice vote, Consent Calendar items 1, 2 and 5 were adopted.

1. MONTHLY CLAIMS: JANUARY 1 THROUGH JANUARY 31, 2010

The monthly claims for January 2010 in the amount of \$2,598,503.62 were approved as submitted.

2. RESOLUTION ALLOCATING \$9,060 FOR THE DISPOSAL OF ASBESTOS PIPING AND OTHER VARIOUS HAZARDOUS WASTE PRODUCTS FROM THE PUBLIC WORKS DEPARTMENT

The resolution allocating \$9,060 to Evergreen Environmental Services, Inc. for the disposal of asbestos piping and other various hazardous waste products from the Public Works Department was adopted.

3. RESOLUTION APPROVING THE CONTRACT WITH DU-ALL SAFETY COMPANY FOR MUNICIPALITY SAFETY SUPPORT SERVICES AND RISK MANAGEMENT FOR THE PUBLIC WORKS DEPARTMENT

City Attorney Norm Book stated that there will need to be wording changes to Subsections A and C of Section III Duration of the Du-All Safety Memorandum of Agreement.

On motion of Vice Mayor Kasten, seconded by Councilmember Benton, and unanimous on voice vote, the resolution approving the contract with Du-All Safety Company for Municipality Safety Support Services and Risk Management for the Public Works Department for a term of one year to continue to develop and implement safety programs, employee safety training, and safety maintenance in the amount of \$24,000 was adopted, subject to wording changes to Subsections A and C of Section III Duration of the Du-All Safety Memorandum of Agreement.

4. RESOLUTION AWARDDING A CONTRACT TO PETERSON POWER SYSTEMS FOR GENERATOR MAINTENANCE SERVICE

City Attorney Norm Book stated that Section 7, Limitation of Liability of the Terms and Conditions of the Peterson Power Systems Service Agreement excludes the contractor from any liability, and therefore the Service Agreement would need to be amended and would be subject to approval of the City Attorney.

On motion of Vice Mayor Kasten, seconded by Councilmember Benton, and unanimous on voice vote, the resolution awarding the contract for the Generator Maintenance Service Agreement to Peterson Power Systems in the amount of \$41,710, and allocating \$10,965 from the General Fund, \$8,150 from the Sewer Fund, and \$22,595 from the Water Fund was adopted, subject to amendment and approval of the Service Agreement by the City Attorney.

5. RESOLUTION AUTHORIZING APPOINTMENT OF A PART-TIME PUBLIC WORKS SUPERINTENDENT

The resolution authorizing the appointment of a part-time Public Works Superintendent was adopted.

6. RESOLUTION APPROVING A \$57,500 CONTRACT WITH J. WHITCOMB & ASSOCIATES TO EXPAND THE EXISTING OUTDOOR WATER BUDGET PROGRAM TO ALL OF THE TOWN'S WATER CUSTOMERS

Vice Mayor Kasten asked if there would be any cost to the homeowner for the outdoor water budget report. Public Works Director Martha DeBry replied that there would be no direct cost to the homeowner for the outdoor water budget report, as the Town would be funding it. Vice Mayor Kasten asked if any homeowner could have the outdoor water budget report. Ms. DeBry replied that the program would expand to all of Hillsborough's approximately 4,300 water meter customers. Vice Mayor Kasten asked what the homeowner would get out of the report. Ms. DeBry replied that the report, which would be included with the water bill, would show the homeowner's water use history and what the water use should be. Vice Mayor Kasten asked if there would be an explanation about the outdoor water budget report. Ms. DeBry replied that there will be information in the Town's upcoming newsletter and on the Town's website, and information will be sent with the water bill towards the end of summer, as the program will be implemented during the fall.

On motion of Vice Mayor Kasten, seconded by Councilmember Benton, and unanimous on voice vote, the resolution awarding the contract to J. Whitcomb & Associates for \$57,000 to provide water budgets to all of the Town's water customers, and allocating an additional \$37,000 from the Water Fund, was adopted.

NEW BUSINESS:

7. HILLSBOROUGH CONCOURS D'ELEGANCE 2010 UPDATE AND REQUEST FOR FUNDING ADVANCE

City Manager Tony Constantouros introduced Rob Fisher, Chair of the 2010 Hillsborough Concours d'Elegance. Mr. Fisher thanked the Mayor and Councilmembers for entertaining his request to present the current status of Concours. He stated that Concours is well on its way to becoming the greatest Concours in the United States as it has been a wonderful event for the past 53 years.

Mr. Fisher provided a Power Point presentation on the update of the 2010 Hillsborough Concours d'Elegance. He explained that the vision of the Concours Committee was to re-establish the Hillsborough Concours d'Elegance as a world-class event by providing the best possible experience for entrants, guests and partners, and that their mission was to provide the highest quality event that results in their long-term viability and maximizes their opportunity to contribute to the local community and charitable organizations that benefit children in need. He stated that they would be contributing to two main charities, Autism Speaks and the San Francisco 49er Foundation.

Mr. Fisher reviewed the history of Hillsborough's Concours d'Elegance, which is the longest continuously running Concours in the United States and world. He also reviewed some numbers and challenges of the past Hillsborough Concours events.

Mr. Fisher presented the desired state of the 2010 Concours as the "new" oldest Concours in the United States with new management, leadership, sponsorship and venue, while maintaining the highest quality image. He displayed the new venue, the 18th hole of the Crystal Springs Golf Course, and the layout of the car display, merchandise, food and beverage, ramp and hospitality tents, and guest parking areas.

Mr. Fisher reviewed the key points for stability, including a long-term partnership and full support from the Town of Hillsborough and Sports Car Club of America, charitable partnerships, Bay Area and local visibility and public relations, and a dedicated non-profit Board of Directors. He reviewed the committee's accomplishments to date, including the first corporate sponsors, Rolex and Kern's. He provided a short list of things to be done.

Mr. Fisher discussed the immediate funding needs for legal fees, website hosting, postage and mailing, graphic design, database and email management fees, and other miscellaneous costs for a total of \$8,000 to \$11,000. He thanked the City Council for their support.

Vice Mayor Kasten thanked Mr. Fisher for accomplishing so much since last June for the 2010 Concours. He asked if the charities would vary in subsequent years. Mr. Fisher replied that after the first year, the Board will review the positives and negatives with the charitable partnerships. He explained that the plan would be to keep the charitable partnerships as stable as possible, but things do change. Vice Mayor Kasten stated that he would like to put a plug in for local charities since it is the Hillsborough Concours, but stated that he understood the need to brand and market the event. Mr. Fisher replied that a donation will be made to the Hillsborough Schools Foundation and stated that he would take Vice Mayor Kasten's point to heart. Vice Mayor Kasten asked if branded merchandise would be offered for sale. Mr. Fisher replied that branded merchandise would be offered for sale and stated that it would be great for fundraising.

Councilmember Benton thanked Mr. Fisher, Vice Chair Ted Dobos, and the rest of the Concours Committee for their time and effort leading up to the September 12, 2010 event. He asked if there would be any participation from the San Francisco 49er organization. Mr. Fisher replied that the 49er organization has agreed to participate in the Hillsborough Concours with a resounding “yes” and he stated that their resources will be made available to the Hillsborough Concours Committee, but he stated that his concern was that the event was about the Hillsborough Concours, the participants and the charity, and not about the 49ers. He stated that in the future, Concours will hold a golf tournament, piggyback off a 49er event quarterly, and participate in other events. He added that the Crystal Springs Golf Course will share their website and mailing database with the Hillsborough Concours Committee.

Hillsborough resident Candace Lyche asked if some of the revenue from Concours would be passed onto the Hillsborough Schools Foundation. Mr. Fisher replied that some of the revenue would be passed onto the Hillsborough Schools Foundation. He added that he has a greater awareness of the philanthropic nature of Concours and he stated that donating to the Hillsborough City School District is not as appealing to people outside of Hillsborough. He explained that he now feels there is more general support for the event as it is now sponsored by the Town with a greater purpose.

Vice Mayor Kasten asked if there was a payback date for the \$10,000 advance. Mr. Fisher replied that he would be able to payback the Town within 90-120 days after receipt of the advance.

Mayor Krolik stated that it was really appropriate that Concours was reinvented during the Town's centennial year, as the Town has a tradition of giving to the larger community. She thanked Police Captain Mark O'Connor, Mr. Constantouros, Mr. Fisher, and Mr. Dobos for taking the reigns and accomplishing a tremendous amount of work for the 2010 Hillsborough Concours. She asked if he would need an advance of \$11,000 or \$12,000 to cover the immediate funding needs. Mr. Fisher stated that he would stick with the \$10,000 advance and stated that within the next couple of weeks he will have the non-profit paperwork in place.

Vice Mayor Kasten recommended the payback within 150 days and set the repayment date for June 30, 2010.

On motion of Vice Mayor Kasten, seconded by Councilmember Benton, and unanimous on voice vote, a \$10,000 advance to the Hillsborough Concours d'Elegance Committee was authorized with repayment due by June 30, 2010.

8. **APPROVAL OF THE HILLSBOROUGH BEAUTIFICATION FOUNDATION PROJECT TO IMPROVE THE FRONTAGE OF TOWN HALL AND THE PLACEMENT OF THE USPS MAILBOX**

Public Works Director Martha DeBry stated that the Hillsborough Beautification Foundation (HBF) was looking to improve the frontage of Town Hall and the recently renovated park located across the parking lot before the May 5, 2010, Centennial Celebration. She provided a Power Point presentation showing the landscaping plans for the project, which includes plants that would bloom year round, and she added that HBF would fully fund the project.

Police Captain Mark O'Connor provided Power Point slides and stated that HBF wanted to move the Water Department drop box, United States Postal Service mailbox, and San Francisco Examiner newspaper box to improve the view of the park. He stated that for ease of public access and safety, he proposed moving the drop box and mailbox to the Finance Department area. He explained that due to safety issues the mailbox would no longer be a snorkel-style mailbox with the ability to drive up and drive away. He proposed that the Water Department drop box would be a wall-mounted unit on the Finance Department exterior wall.

Vice Mayor Kasten stated that he was concerned with the proposed new set-up because there would be more traffic and parking issues with the loss of the ability to drive up to the mailbox and asked about the amount of traffic if people had to park their vehicles to drop off mail. Captain O'Connor replied that the mail is picked up at 3:00 p.m. and 4:45 p.m. and that the bulk of the mail is dropped off at the end of the month and the end of the year. He explained that he was concerned about the safety of the citizens and postal carriers and stated that the proposed new location would be the safest.

Councilmember Benton stated that he would be disappointed if he had to get out of the car to drop off mail, even though there is the option to drive to the main post office in Burlingame. He added that it was a convenience to have the snorkel-style mailbox at Town Hall and asked if there was any way to reconfigure the location of the mailbox, such as on an island. Captain O'Connor replied that placing the snorkel-style mailbox on an island would not be safe for the postal carrier retrieving the mail from the mailbox.

Mayor Krolik stated that the Town has been encouraging residents not to leave outgoing mail at their mailbox to prevent mailbox theft. She stated that without the snorkel-style mailbox there would probably be a lot of double parking.

The City Council, Captain O'Connor, and City Engineer Cyrus Kianpour discussed several options for the placement of the mailbox. Mayor Krolik stated that she would meet with HBF members and Hillsborough staff to discuss options for the relocation of the mailbox and finance drop box.

On motion of Vice Mayor Kasten, seconded by Councilmember Benton, and unanimous on voice vote, the Hillsborough Beautification Foundation project to improve the frontage of Town Hall was approved. Staff was directed to work with Mayor Krolik to find a safe, convenient, and aesthetic location of the snorkel-style drive up mailbox and Finance Department drop box at Town Hall.

OLD BUSINESS:

9. THE TOWN OF HILLSBOROUGH'S CLIMATE ACTION PLAN

Assistant City Manager Kathy Leroux stated that the Climate Action Plan was being presented to the City Council for approval. She explained that the goals of the Climate Action Plan are to assist the Town with meeting AB 32's emission reduction targets and to provide energy and cost savings opportunities to the community. She stated that a draft was presented to the City Council at its meeting on January 11, 2010, and, in response to the City Council's comments raised at that meeting, some changes were made to the document to reflect those comments, ensuring that the document is a guiding tool. She stated that any of the recommendations listed in the Plan would require approval of the City Council before implementation.

Ms. Leroux explained that following City Council approval, staff will submit the Plan to the Bay Area Air Quality Management District (BAAQMD) and upon their acceptance the Town will receive its third and final grant funding check, and that the Town will also receive a grant payment from C/CAG once the Plan is submitted.

Ms. Leroux stated that CSG Consultant Kathleen Gallagher and Chief Building Official John Mullins will give a brief presentation showing what the Climate Action Plan can mean to Town's residents.

Ms. Gallagher provided a Power Point presentation and stated that the Climate Action Plan presented for City Council approval was a guiding document to meet greenhouse gas reduction targets per AB 32, California Global Warming Solutions Act. She stated that individual program recommendations will be brought to the City Council for consideration in the future and that there would be voluntary programs designed to reduce emissions and provide cost savings for residents.

Ms. Gallagher reported that Hillsborough was awarded a grant from the Bay Area Air Quality Management District to complete the Climate Action Plan and that several emission reduction programs have already been completed. She added that General Plan revisions include sustainable goals and policies. She stated that the final progress report is due to BAAQMD in March 2010 for grant reimbursement.

Ms. Gallagher reviewed how the Plan would impact Hillsborough residents and stated that residents will have the option to participate in the voluntary energy/water saving programs. She stated that there would be an increase in promotion and education for the programs and increased opportunities to realize the cost savings for energy and water use reduction. She added that there would also be an option for residents to participate in a solar/energy efficiency financing program.

Mr. Mullins stated that the Energy Efficiency Outreach/Education Program includes a home energy audit to implement upgrades, which could save residents an estimated 5 – 40% in energy usage. He stated that the Town's goal is not to over regulate or police what residents do, but to achieve objectives with outreach, education and a team approach with residents. He explained that the focus will be on the efficiency of buildings and responsible use of water, electricity, gas and construction materials, reduction of building impacts on human health and the environment, energy conservation and renewable energy, recycling and waste diversion, resource conservation, and training and utilization of current staff to implement the program.

Ms. Gallagher reviewed the twelve greenhouse gas reduction program recommendations for Phase 1 for implementation prior to 2012 and the four recommendations for Phase 2 for implementation during 2012 to 2020. She stated that the Implementation Plan includes greenhouse gas emission reductions, cost estimates, a timeframe for implementation, and responsible personnel for implementation. She added that potential funding sources include grant funds, permit fees and the General Fund.

Ms. Gallagher thanked the Sustainable Hillsborough Task Force Chair, Councilmember Regan; Vice Chair, Mayor Krolik; and Task Force members and staff for their time and dedication to completing Hillsborough's Climate Action Plan.

Mayor Krolik thanked Ms. Gallagher and staff for their work on the Climate Action Plan.

Councilmember Benton thanked staff for going through all of his concerns that were raised at the January 11, 2010 City Council meeting. He commented that he was comfortable with all of the changes that were made to the Climate Action Plan, but was confused about the provision on page 107 of the City Council agenda packet regarding installing CFLs, LEDs or other high-efficiency lighting in a minimum of 75% of fixtures. Ms. Gallagher replied that that provision was part of the Green Building Checklist which includes recommendations for reducing energy and water consumption and that it is just a guideline for the voluntary program. Mr. Mullins stated that he has received positive feedback from contractors and architects about the Town's green building program.

On motion of Vice Mayor Kasten, seconded by Councilmember Benton, and unanimous on voice vote, the Town of Hillsborough's Climate Action Plan was approved.

PUBLIC HEARING:

10. GENERAL PLAN AMENDMENT ADOPTING SUSTAINABILITY POLICIES INTO THE GENERAL PLAN

Director of Building and Planning Liz Cullinan provided a Power Point presentation on the resolution amending the General Plan by adding climate protection and sustainable goals and policies. She stated that the grant funding for the Climate Action Plan and General Plan amendment requires that the Town amend the Open

Space and Conservation, Housing, Land Use and Circulation Elements of its General Plan to reflect new policies and activities the Town is developing to reduce greenhouse gas emissions. She stated that policies and activities include a Green Building Program and Residential Green Building Ordinance, an Energy Efficiency Program and a Renewable Energy Program. Ms. Cullinan stated that the Sustainable Hillsborough Task Force facilitated preparation of a draft Climate Action Plan (now adopted), which incorporates enhanced General Plan policies for sustainability.

Ms. Cullinan reviewed the Town's sustainable goals, which include the Land Use Element, Goal LU-6, which encourages and promotes sustainable building and energy efficiency practices, the Circulation Element, Goal C-6, which promotes public health and safety by working towards improved air quality, and the Open Space and Conservation Element, Goal OSC-6, which reduces energy consumption in the built environment and promotes the preservation of water and energy resources for the future.

Ms. Cullinan stated that the Town's focus will be on encouraging, educating and providing incentives for green building measures, renewable energy, reduction in greenhouse gas emissions by 15% from 2005 levels by 2020, regional approaches, energy efficiency, water conservation and solid waste reduction, and fuel alternatives and efficiency.

Ms. Cullinan pointed out that there is an error in the General Plan amendment resolution regarding sustainability in the third "Whereas" as residential energy consumption is the largest emitter of greenhouse gas emissions, not the second largest emitter.

Mayor Krolik thanked Ms. Cullinan.

Mayor Krolik opened the public hearing. There were no comments. The public hearing was closed.

On motion of Councilmember Benton, seconded by Vice Mayor Kasten, and unanimous on voice vote, the resolution as corrected amending the General Plan adopted on December 14, 2004, to revise the Land Use Element for purposes of incorporating additional sustainability measures was adopted.

11. FUNDRAISING EVENT PERMIT APPLICATION 10-01 FOR THE PARCA AUXILIARY LUNCHEON AND FASHION SHOW

City Clerk Miyuki Yokoyama stated that the Parca Auxiliary submitted a fundraising application for their annual fundraising event. The luncheon and fashion show would be held on Wednesday, May 26, 2010, from 8:00 a.m. to 2:30 p.m. at 550 Eucalyptus Avenue.

Ms. Yokoyama stated that public notices have been sent to homeowners located within a 500-foot radius of the property and no comments have been received. She added that staff recommends approval of the application subject to the restrictions and conditions of the Police, Fire and Building Departments.

Mayor Krolik opened the public hearing. There were no comments. The public hearing was closed.

On motion of Councilmember Benton, seconded by Vice Mayor Kasten, and unanimous on voice vote, Fundraising Event Permit Application 10-01 for the Parca Auxiliary Luncheon and Fashion Show on Wednesday, May 26, 2010, subject to the conditions recommended by staff, was approved.

12. REVIEW AND CONSIDERATION OF THE 2009 GENERAL PLAN IMPLEMENTATION REPORT

Director of Building and Planning Liz Cullinan provided a Power Point presentation on the 2009 General Plan Implementation Plan and stated that California Government Code Section 65400 requires that all cities and counties investigate and make recommendations to their legislative body for implementing the general plan, and submit to their legislative body, the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD), an annual report on the status of the General Plan and progress in its implementation. She added that State law also requires that the report be subject to a public hearing.

Ms. Cullinan reviewed the agency-initiated planning activities, which included adopting and receiving HCD Certification for the 2009 Housing Element, participating in Sustainable Hillsborough and preparation of a Climate Action Plan, annexing portions of Skyline Boulevard, Hayne Road and Black Mountain Road for purposes of beautification and traffic improvements, and adopting the Green Building Ordinance.

Ms. Cullinan stated that the certified 2009 Housing Element identifies a need for 86 new units to be constructed between 2007 and 2014, 34 of which should be within lower income categories. She reported that in 2007 through 2009, permits for 64 new units were issued, 49 of which were for second units. She stated that the Town played a key role in sub-regional efforts and participated in HEART (Housing Endowment and Regional Trust), HIP (Human Investment Project) and Samaritan House programs.

Vice Mayor Kasten asked if it would strengthen the report if it showed that the Town supports HOPE (Housing Our People Effectively). Ms. Cullinan stated that was a great point and that she would include it in the report.

Mayor Krolik asked if staff knows the number of second units in Town and if they are being rented out. Ms. Cullinan replied that she will be mailing a survey to residents on secondary units in the second half of 2010.

Mayor Krolik thanked Ms. Cullinan.

Mayor Krolik opened the public hearing. There were no comments. The public hearing was closed.

On motion of Councilmember Benton, seconded by Vice Mayor Kasten, and unanimous on voice vote, the 2009 General Plan Implementation Report was accepted.

DISCUSSION:

13. UPDATE ON STATE AND REGIONAL MODEL CONSERVATION LANDSCAPING ORDINANCES

Public Works Director Martha DeBry provided a Power Point presentation on the State and regional model conservation landscaping ordinances. She stated that AB 1881, the Water Conservation in Landscaping Act of 2006, updated the State's Model Water Efficient Landscape Ordinance, and that water agencies default to the State Ordinance if they have not adopted one that is "at least as effective" by January 2010. She stated that the Bay Area Water Supply and Conservation Agency (BAWSCA) released their Regional Ordinance in December 2009.

Ms. DeBry reviewed the process and schedule of the ordinance and explained that there are three paths that the Town can take, which are to default to the State Model Ordinance as written, develop its own Water Efficient Landscape Ordinance, or adopt and implement BAWSCA's Regional Model Ordinance. She reported that the State Model Ordinance is complex and most costly for residents and the Town, requires six separate technical reports or plans prepared by certified professionals, and each report or plan must be reviewed and approved by the Town. She stated that if the

Town created its own ordinance, it would need to be determined whether the Town has unique needs, the Town demonstrates that the ordinance is “at least as effective” as the Department of Water Resources (DWR) Ordinance and hires consultants and experts to assist with the ordinance, all within a fairly short period of time. Ms. DeBry stated that the Town could adopt the Regional Model Ordinance, which simplifies the State Ordinance, allows for adjustments for our region, eliminates several technical submittals (soil, grading, and water budget worksheets), gives a choice between prescriptive measures or water budget calculation, and is designed by BAWSCA staff to be “at least as effective” as the State Model Ordinance.

Ms. DeBry stated that the objectives of the BAWSCA Ordinance are to meet regional water conservation goals to achieve 25% savings in outdoor water use and to be consistent with and satisfy requirements of the State Model Ordinance, 2008 California Green Building Standards (August 2009) and AB 1881 (January 2010).

Ms. DeBry compared the BAWSCA and State Ordinances and explained that the main differences are in the threshold (1,000 square feet of irrigated area versus 5,000 square feet), documentation (simplified checklist versus a six-part package), number of professionally certified submittals (none for less than 1,000 square feet/three for more than 2,500 square feet versus six professionally certified submittals for projects over 5,000 square feet), and the water budget (optional versus mandatory). She stated that the BAWSCA Regional Ordinance would apply to permitted projects, all new construction, and projects with 1,000 square feet or more of new irrigated landscaping. She added that all applicable projects would need to submit the checklist. She stated that it would be the applicant’s choice to either limit the turf area to 25% and ensure that 80% of non-turf plants are low-water use, or submit a Water Budget Calculation Worksheet.

Vice Mayor Kasten asked if new irrigated landscaping included replanting projects. Ms. DeBry replied that new irrigated landscaping included replanting projects, if the project required a building permit. Vice Mayor Kasten recommended making it clear that it did include replanting projects.

Ms. DeBry reported that the BAWSCA Regional Ordinance includes two project tiers, with Tier 1 including areas of 1,000 to 2,500 square feet of irrigated landscape and Tier 2 including areas with greater than 2,500 square feet of irrigated landscape. She explained that requirements of Tier 1 include that the turf must be greater than 8 feet wide with less than a 25% slope, plants must be grouped in hydrozones, mulch must be two inches thick, the Efficient Irrigation System must include 70% of the irrigated landscape, watering must be done at night, invasive plant species must be avoided, pool and spa covers would be recommended, and water features would be recalculated at less than 10% of the landscaped area. Ms. DeBry explained that Tier 2 requires weather-based controllers, landscape water meters, and certified professional assistance.

Ms. DeBry reported that at the Landscape Architect, Design and Irrigation Professional Stakeholder meeting that was held in January 2010, feedback from attendees included that they prefer the BAWSCA Ordinance over the State Ordinance, they believe the BAWSCA Ordinance is less costly to implement and protects the investment in the landscaping in case of drought, they felt micro-climates affect which plants are “low water use”, they like the choice between a checklist or turf/plant goals, they prefer maximized flexibility for “low-water plant” choices, they agree with the requirement for a pressure regulation valve for a second meter and they agree with the suggestion of educating and certifying gardeners and the requirement of an irrigation/maintenance schedule on plans.

Ms. DeBry reviewed the next steps which include meeting with the Sustainable Hillsborough Task Force on Thursday, February 18, 2010, aligning with the Green Building and Water Conservation Code, preparing a draft ordinance and staff report, including the first reading of the ordinance in March 2010 with the hearing and adoption in April 2010, and submitting the Town’s adopted ordinance to DWR.

Councilmember Benton stated that the Town has an ordinance regulating hardscape and asked if the Town would need to review the ordinance if adopting the Conservation Landscaping Ordinance. Ms. DeBry replied that the two ordinances are unrelated.

Vice Mayor Kasten asked if it was known how many projects would fall under Tier 1 and Tier 2. Chief Building Official John Mullins replied that projects over \$20,000 or with more than 50 cubic yards of grading require a permit, but that it was not known how many projects would fall under Tier 1 and Tier 2.

Mayor Krolik commented that having the second meter for landscaping would give the Town more effective power to enforce the ordinance. She stated that the Town should educate homeowners and gardeners about proper landscape irrigation as a great amount of water and money is lost through overwatering and over-fertilizing. Ms. DeBry replied that BAWSCA and the Hillsborough Beautification Foundation have been educating the landscape gardeners.

Councilmember Benton asked why the thresholds were so low as it would trap more homeowners to comply with the ordinance. Ms. DeBry replied that by simplifying the checklist the tradeoff would be the low thresholds, which would not require professionally certified submittals for less than 1,000 square feet of irrigated landscaping.

Councilmember Benton stated his concern that a relatively small landscape project just over the threshold value of \$20,000 would require a new meter be installed for irrigation, which could substantially increase the cost of an otherwise small project, and that the purpose of the second meter was simply to increase the Town's enforcement authority.

Vice Mayor Kasten stated that the Town cannot enact an ordinance that is less stringent than the State Ordinance and that BAWSCA achieved a balance with a less complex ordinance with lower thresholds, but asked if the thresholds could be increased. Staff and the City Council discussed the threshold and permitting requirements. Ms. DeBry stated that she would look into the possibility of increasing the 1,000 square foot threshold for irrigated areas to reduce the number of residents required to comply with the BAWSCA Water Conservation in Landscaping Regulations Ordinance.

INFORMATIONAL:

14. LEAGUE OF CALIFORNIA CITIES: PENINSULA DIVISION EFFORTS TO WORK WITH LOCAL CITIES

Mayor Krolik introduced Linda Koelling, Vice Mayor of Foster City. Ms. Koelling provided a Power Point presentation on how the Peninsula Division of the League of California Cities can work in partnership with cities. She stated that the League and Divisions can build coalitions to support policies that will benefit all cities, organize media events and letter writing campaigns, provide insight to the region on the political dynamics that influence legislation, lead the charge on statewide initiatives to change legislative direction, and provide professional learning opportunities for City Councils, City Managers, City Clerks, City Attorneys, and staff through conferences and trainings. She explained that the Peninsula Division serves cities by providing effective coordination of cities' lobbying efforts with State and Federal legislators, analysis of proposed State legislation, updates and calls to action on pending legislation, Policy Committee appointments, regional networking opportunities, and a monthly e-newsletter.

Ms. Koelling stated that the League protects local revenues through efforts such as Proposition 1A, which limits the State's take of city money and guarantees repayment, the securitization arrangement for the taking of city money, and propositions to reform

eminent domain. She stated that Proposition 1A is a constitutional amendment intended to restore predictability and stability to local government budgets. She briefly reviewed Propositions 90, 98, and 99.

Ms. Koelling stated that Californians to Protect Local Taxpayers and Vital Services is a league-sponsored, proposed proposition that will close the loopholes and protect Highway User's Tax Account (HUTA), Redevelopment Agency (RDA), property tax, and parcel taxes. She reviewed ways in which to help protect revenues, including working with the League, joining the 100/100 Club (by helping to qualify the initiative by giving \$100 and collecting 100 signatures), helping to educate the community, and being involved with the Division and becoming informed.

Ms. Koelling thanked the City Council for the opportunity to speak and stated that she hoped that the City Council will consider the initiative.

Mayor Krolik thanked Ms. Koelling and stated that Ms. Koelling could speak more on the issue at the next Council of Cities Dinner/Meeting in February 2010. Ms. Koelling announced that she would not be able to attend the next Council of Cities Dinner/Meeting, but that someone else from the League would be present.

PUBLIC COMMENT:

There were no public comments.

CITY COUNCIL ITEMS:

Mayor Krolik congratulated Finance Director Edna Masbad on the birth of her granddaughter.

Mayor Krolik wished Assistant Finance Director Marie Bernardo and Police Lieutenant Caroline Serrato a happy birthday.

Mayor Krolik announced that PG&E may need to enter residents' homes to install the PG&E SmartMeters.

Mayor Krolik announced that Vice Mayor Kasten and Assistant City Manager Kathy Leroux both attended the Rebuilding California Summit Conference, which covered the State's structural deficiencies that led to the State's budget problems and the need for legislative reform.

Mayor Krolik thanked Councilmember Regan for his participation on the Sustainable Hillsborough Task Force and Councilmember Fannon for his participation on the Bay Area Water Supply and Conservation Agency (BAWSCA).

Mayor Krolik thanked the Hillsborough Police Department for presenting the Teen Internet Surfing meeting to Hillsborough parents.

ADJOURN:

Mayor Krolik adjourned the meeting at 9:11 p.m. in memory of former Hillsborough City School District Board Member Daniel Furniss.