

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**MONDAY, AUGUST 9, 2010**

Mayor Krolik called the regular meeting to order at 6:01 p.m. at the Hillsborough Town Hall, 1600 Floribunda Avenue, Hillsborough, California.

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

**MINUTES:** The minutes of the July 12, 2010 City Council meeting were approved as submitted.

**CONSENT CALENDAR:**

Items 2 and 8 were removed for discussion. On motion of Councilmember Fannon, seconded by Vice Mayor Kasten, and unanimous on voice vote, Consent Calendar items 1 and 3 through 7 were approved.

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

The monthly claims for the month of July 2010, in the amount of \$2,372,379.95 were approved as submitted.

2. ORDINANCE AMENDING CHAPTERS 2.12, 15.30, 17.20, 17.24, 17.32, AND 17.56 OF THE HILLSBOROUGH MUNICIPAL CODE REGARDING EXTENSIONS OF DESIGN REVIEW APPROVALS, CONSTRUCTION BOND EXTENSIONS, ALTERATIONS TO NONCONFORMING STRUCTURES, SETBACKS FOR SOLAR ENERGY SYSTEMS, HARDSCAPE DEFINITION, AND LANDSCAPE PERMIT REQUIREMENTS – INTRODUCTION

Councilmember Benton asked for clarification on Section 17.20.020(B) regarding altering or rebuilding nonconforming structures in the absence of natural disaster. Director of Building and Planning Elizabeth Cullinan explained that a nonconforming accessory structure may be enlarged provided the encroachment does not extend further into the setback area. She confirmed that this allowance currently exists by code for primary dwellings.

Councilmember Regan recommended that proposed Section 15.30.055 relating to time extensions for completion of construction be revised to require that the property owner must apply for the extension at least five business days before the expiration of the completion deadline. Ms. Cullinan replied that she would amend the ordinance to include the requirement that the application for an extension occur at least five business days prior to expiration of the completion deadline.

On motion of Councilmember Fannon, seconded by Councilmember Benton, and unanimous on voice vote, the ordinance amending Chapters 2.12, 15.30, 17.20, 17.24, 17.32, and 17.56 of the Hillsborough Municipal Code regarding extensions of design review approvals, construction bond extensions, alterations to nonconforming structures, setbacks for solar energy systems, hardscape definition, and landscape permit requirements was introduced and the first reading of the ordinance was waived. September 13, 2010, was set as the public hearing date to consider adoption of the amended ordinance.

3. RESPONSE LETTER TO THE SAN MATEO COUNTY GRAND JURY REPORT ON THE EFFECTIVENESS OF RED LIGHT TRAFFIC CAMERA ENFORCEMENT

The response letter to the San Mateo County Grand Jury report regarding the effectiveness of red light traffic camera enforcement was approved.

4. RESOLUTION APPROVING THE PURCHASE OF A GLOBAL POSITIONING SYSTEM FOR PUBLIC WORKS VEHICLES

The resolution authorizing the purchase and installation of 18 NetworkFleet GPS units for an initial cost of \$10,350, including a 10% contingency and an annual hosting cost of \$5,927 per year, which will be funded with previously allocated water and sewer operating funds, was adopted.

5. RESOLUTION ALLOCATING FUNDS FOR THE INSTALLATION OF INTERTIES BETWEEN THE CALIFORNIA WATER COMPANY POTABLE WATER MAINS AND THE TOWN OF HILLSBOROUGH'S WATER MAINS

The resolution allocating funds for the installation of interties between the California Water Company's potable water mains and the Town of Hillsborough's water mains was adopted.

6. RESOLUTION ALLOCATING \$25,875 TO PREPARE PHOTO-BASED STANDARD OPERATING PROCEDURES (SOPS) AND COMPANION PROFICIENCY TESTS FOR UP TO 25 PIECES OF EQUIPMENT AND/OR TASKS FOR THE PUBLIC WORKS DEPARTMENT

The resolution allocating \$25,875 to prepare photo-based Standard Operating Procedures (SOPs) and companion proficiency tests for up to 25 pieces of equipment and/or tasks for the Public Works Department to DKF Solutions Group was adopted.

7. RESOLUTION ACCEPTING AS COMPLETE THE 2010 WEED ABATEMENT PROJECT COMPLETED BY PESTMASTER SERVICES, INC.

The resolution accepting as complete the contract with Pestmaster Services, Inc. for the 2010 Weed Abatement Project in the amount of \$10,485 was adopted.

8. RESOLUTION ACCEPTING AS COMPLETE THE CONTRACT WITH INSITUFORM TECHNOLOGIES, INC. FOR THE SANITARY SEWER REHABILITATION PROJECT PHASE IV – CHERRY CREEK EASEMENT (LINING)

Vice Mayor Kasten stated that since it was discovered that the contractor installed the incorrect size liner in one section, which resulted in a severely wrinkled liner in the pipe, he asked if staff was comfortable that there were no other instances where the incorrect size liner was used. Assistant City Engineer Dave Bishop replied that as part of the post project evaluation of the Cherry Creek Easement Lining Project, staff reviewed the video submitted for the project and no other defects were found.

On motion of Vice Mayor Kasten, seconded by Councilmember Regan, and unanimous on voice vote, the resolution accepting as complete the contract with Insituform Technologies, Inc. for the Sanitary Sewer Rehabilitation Project Phase IV – Cherry Creek Easement (Lining) in the amount of \$644,141 was adopted.

**DISCUSSION:**

9. PENINSULA TRAFFIC CONGESTION RELIEF ALLIANCE STRATEGIC PLAN FOR 2010-2013

City Clerk Miyuki Yokoyama introduced Christine Maley-Grubl, Executive Director, and Karen Sumner, Transportation Programs Manager of the Peninsula Traffic Congestion Relief Alliance. Ms. Maley-Grubl reported that the Alliance is San Mateo County's Transportation Demand Management Agency whose mission is to reduce the number of single occupancy vehicles traveling in, to and through San Mateo County. Ms. Maley-Grubl turned over the Alliance's Power Point presentation to Ms. Sumner.

Ms. Sumner stated that the Alliance's new mission statement is "Working Together to Improve Our San Mateo County Commute." She explained that the Alliance will work with employers to develop and manage innovative partnerships to reduce peak period commute trips through employer outreach, employer-based shuttle program development and management, employer support services, and school pool and

carpool to college programs. She reported that the Alliance is currently working with 290 employers representing 108,000 employees and their goal is to increase the market penetration of commute alternatives in San Mateo County to reach 10,000 additional employees per year. She reviewed the programs for employer outreach and support, working with commuters to explore and utilize alternative transportation, direct marketing to commuters, working with public and private partners to collaboratively develop new resources and tools to expand transportation alternatives, and strengthening the organizational capacity of the Alliance to achieve its goals.

Ms. Sumner stated that the Alliance program overview was recently provided to Town staff and Crystal Springs Uplands School. She thanked the City Council for their time.

The City Council, Ms. Maley-Grubl and Ms. Sumner further discussed the Alliance's newly adopted strategic plan. Mayor Krolik suggested expanding the program to the Hillsborough public schools to reduce the traffic congestion. Ms. Maley-Grubl replied that she could expand the program to Hillsborough's public schools.

Mayor Krolik thanked Ms. Sumner and Ms. Maley-Grubl.

### **OLD BUSINESS:**

#### 10. UPDATE REGARDING THE HILLSBOROUGH BEAUTIFICATION FOUNDATION PROJECT: HARVEST GARDEN

Public Works Director Martha DeBry provided a Power Point presentation on the Hillsborough Beautification Foundation's (HBF) Harvest Garden. She stated that the Harvest Garden is located on the San Francisco Public Utilities Commission's (SFPUC) property at 660 Fairway Circle, which has been vacant for 50 years or so. She explained that the Harvest Garden was proposed by HBF President Lennie Gotcher to grow organic produce for food banks and to create opportunities for students to perform community service hours in Hillsborough. Ms. DeBry reported that the SFPUC granted the Town an encroachment permit to use the property, HBF funded the project, and plants were donated. She stated that the Public Works Department did the site preparation and driveway, and Terra Ferma Landscaping constructed the solid redwood planter boxes.

Ms. DeBry introduced Lennie Gotcher. Ms. Gotcher thanked the Town and the Public Works Department for their support. She reported that the volunteer project began in July 2010, with 30 volunteers putting in their time installing bird netting and shade cloth. She stated that Advanced Tree Care, Lyngso, and Golden Nursery provided items on their wish list for the vegetable garden. She said that the first donation was made to Samaritan House, which included three pounds of cherry tomatoes, one pound of arugula, and twenty pounds of lemons picked from her own garden.

Mayor Krolik thanked Ms. Gotcher for the wonderful concept for the betterment of the Town, community service opportunity for students, and the opportunity to give produce to non-profit agencies. She also thanked HBF, Ms. DeBry and the Public Works team.

#### 11. UPDATE ON CEASE AND DESIST ORDER R2-2009-0020

Public Works Director Martha DeBry provided a Power Point presentation on the update of the Cease and Desist Order R2-2009-0020. She stated that on March 11, 2009, the San Francisco Regional Water Quality Control Board issued the Cease and Desist Order (CDO) to the Town, the City of San Mateo and the Crystal Springs County Sewer District. She explained that the purpose of the CDO, which has 16 provisions, is to eliminate sanitary sewer overflows (SSOs) by December 31, 2018.

Ms. DeBry stated that Provision I of the CDO requires immediate action toward the elimination of capacity related SSOs from the Crystal Springs Trunk and is the most expensive part of the CDO. She reported that the Initial Environmental Study was initiated on November 11, 2009, and will be completed by March 11, 2011. She stated

that a funding plan will be developed by September 11, 2011, a successful bidder identified by September 11, 2012, and construction completed by September 11, 2015. She stated that the Crystal Springs Sewer Trunk Project cost is estimated at \$21 to \$23 million with Hillsborough's share estimated at \$11 million. She explained that the project will result in a dedicated main in San Mateo to be used only by Hillsborough and CSCSD to ensure capacity and to simplify construction.

The Councilmembers, Ms. DeBry, Finance Director Edna Masbad, and City Attorney Norm Book discussed Provision I regarding meeting future capacity needs, project funding, and sharing costs with San Mateo and CSCSD. Staff was requested to provide information regarding debt service requirements for the potential loan to fund the Crystal Springs Sewer Trunk Project.

Ms. DeBry reviewed Provision II which requires spill response, recordkeeping, notification and reporting. She stated that to meet the provision, the Town would need to utilize a computer maintenance program such as ICOM. She further stated that a sanitary sewer response plan was implemented on June 15, 2009, to meet the 60 minute response time requirement.

Ms. DeBry stated that Provision III covers collection system maintenance and management and requires that the Town clean 100% of the 116-mile system within three years. She reported that Town staff has serviced 87.1 miles, Pacific Liners has cleaned 9.5 miles with the 2007 Cleaning and Inspection Project, the 2009 Cleaning and Inspection Project will cover approximately 20 miles, and staff will clean the remaining segments of the sewer system.

Ms. DeBry stated that Provision IV requires collection system condition and capacity assessments for the Town's 116 miles of sewer pipe and 2,565 manholes by November 15, 2011. She reported that so far the Town has inspected 1,021 manholes and 63 miles of sewer mains. She stated that the RedZone Robot Project, completed in July 2010, covered approximately 7 miles of 8-inch and 12-inch mains. She added that the goal would be to have Burlingame inspect 10,000 or more linear feet per month and the 2009 Cleaning and Inspection Project will cover approximately 20 miles. She explained that to meet the capacity assessment requirement, flow meters to assess peak flow were installed in November 15, 2009. She reported that a complete assessment will be done by November 15, 2011, and will identify inflow and infiltration.

Ms. DeBry stated that Provision V covers capacity assurance and requires a short term capacity plan for five years, identification of long-term improvements for ten years, a master planning process to identify projects, and completion of improvements by November 15, 2016.

Ms. DeBry stated that Provision VI covers infrastructure renewal which requires plans sufficient to ensure timely repair of sewer pipes in imminent danger of failure or blockage, ensure the long range sustainable rehabilitation or replacement of obsolete assets, improve system performance and reduce spills caused by pipe defects and blockages from roots and debris, and control inflow and infiltration as needed pursuant to the Capacity Assurance Plan in Provision V.

Ms. DeBry stated that Provision VIII covers options for coordination among agencies and that the Town will collaborate with San Mateo and Crystal Springs County Sewer District (CSCSD) for efficient operations, implementation of capacity assessment, cost effective delivery of Crystal Springs/EI Cerrito Sewer Trunk repair, and collaboration for financial plans. She stated that the WaterWorks engineering firm had been retained by CSCSD to perform a study for a \$25,000 cost to be shared by the agencies. She further stated that the draft study reports that Hillsborough has the largest staff, 29 employees, capable of emergency response compared to 15 San Mateo employees and 7 CSCSD employees, as Hillsborough water system staff are cross-trained in the sewer system operations.

Ms. DeBry stated that Provision XII covers the consequences of non-compliance, which includes the request for the Attorney General to take action, injunctive and civil remedies, and administrative civil liabilities.

Ms. DeBry reported that known CDO costs are roughly \$13 million by 2015.

Ms. DeBry stated that Administrative Civil Liability Order R2-2009-0014, which is different from the CDO, imposed a \$400,000 fine on the Town and that \$225,000 is allocated to a five-year Supplemental Environmental Program, which includes the free sewer lateral video inspection and \$500 reimbursement to homeowners who replace their lateral from house to main. She reported that 69 sewer lateral video applications and 17 sewer lateral reimbursement requests have been received.

Mayor Krolik thanked Ms. DeBry for the update on the Cease and Desist Order.

Councilmember Fannon requested that staff provide another update on the Cease and Desist Order before the year-end.

## **NEW BUSINESS:**

### 12. UPDATE REGARDING DROUGHT IMPLEMENTATION PLAN PROPOSED BY BAY AREA WATER SUPPLY AND CONSERVATION AGENCY

Public Works Director Martha DeBry provided a Power Point presentation on the Bay Area Water Supply and Conservation Agency (BAWSCA) Drought Implementation Plan (DRIP). She stated that all BAWSCA members, including 24 public agencies and two private water providers, have signed the Water Supply Agreement with the City and County of San Francisco, which allocates water between San Francisco retail and wholesale customers. She further stated that the agreement provides that BAWSCA can develop and adopt a DRIP when water supplies are subject to droughts. She added that there have been two significant droughts since 1975. She reported that the San Francisco Public Utilities Commission's (SFPUC) service goal is that there would be no more than a 20% system-wide cutback in any one year.

Ms. DeBry provided charts showing the DRIP approval process, which requires unanimous recommendation by the BAWSCA Technical Advisory Committee (TAC) and unanimity among the governing bodies of the BAWSCA agencies, or approval by a majority of the BAWSCA Board. She reported that if the BAWSCA Board does not adopt the DRIP, the SFPUC will determine the drought allocations. She explained that the DRIP water allocation is a goal set for the consumption of water in the event of a drought based on 2008/2009 water consumption.

Ms. DeBry reviewed the allocation options considered, including allocations based on the Individual Supply Guarantee (the maximum amount guaranteed by the SFPUC to agencies when water is available), base seasonal use (indoor winter water usage), and across-the-board cuts. She reported that the TAC recommended a combination of options, including an allocation weighted 33% for the Individual Supply Guarantee and a 67% base seasonal use. She stated that Hillsborough's reduction is projected at 36%.

Ms. DeBry reported that the last meeting of the TAC will be held on August 25, 2010, and that a unanimous recommendation is needed and must be followed by a unanimous adoption by the governing boards. She stated that if there is no unanimous recommendation, the BAWSCA Board will consider DRIP options, which would likely be base seasonal options.

Ms. DeBry stated that Hillsborough's current water use is 329 gallons per capita per day. She reported that a 20% reduction is required under State law by 2020. Ms. DeBry provided a chart showing Hillsborough's historic water use and reported that during the 1991/1992 drought, Hillsborough's water use was 224 gallons per capita per day.

Ms. DeBry provided a chart showing the BAWSCA per capita per day water allocation for the 24 BAWSCA public agencies. She explained that to meet the allocation, the goal would be based on all water purchases from the SFPUC and that excessive use may cost more.

The Councilmembers, BAWSCA General Manager Art Jensen, and Ms. DeBry discussed the proposed BAWSCA water allocations. Councilmember Fannon, who represents the Town on the BAWSCA board, offered his support of the DRIP. The Councilmembers provided general direction to support the DRIP as proposed.

Mayor Krolik thanked Ms. DeBry and Mr. Jensen.

**PUBLIC COMMENT:**

There were no public comments.

**CITY COUNCIL ITEMS:**

Councilmember Benton announced that Fire Chief Don Dornell intended to close Fire Station 36 on Rollins Road in Burlingame on Saturday, August 14, 2010, because of increased overtime and workers' compensation costs. He stated that the Central County Fire Board approved the closure at its budget approval meeting. He reported that the overtime costs necessitate a closure possibly for the remainder of the current fiscal year. He added that there were sufficient fire personnel on duty at other stations that could respond during an emergency.

Vice Mayor Kasten announced that the City/County Association of Governments of San Mateo County (C/CAG) was looking at placing a ballot measure on the November 2, 2010 ballot to impose a \$10 fee increase on motor vehicles registered in San Mateo County for transportation-related projects and programs.

Mayor Krolik announced that the Hillsborough Concours d'Elegance will be held on Sunday, September 12, 2010, at the Crystal Springs Golf Course and should be a terrific show. She thanked Finance Director Edna Masbad and Police Captain Mark O'Connor for their help.

Mayor Krolik announced that the volunteer recognition event will be held on Thursday, September 23, 2010.

Mayor Krolik announced that the Council of Cities Dinner/Meeting will be held on Friday, August 27, 2010, in the City of Menlo Park. Councilmember Regan stated that he would attend the Council of Cities Dinner/Meeting.

Mayor Krolik announced that the Special City Council meeting will be held on Thursday, August 19, 2010, at 12:00 p.m. to appoint the two nominees to the two City Council seats and to cancel the November 2, 2010 election. Mayor Krolik, Vice Mayor Kasten, and Councilmember Benton stated that they would be able to attend the Special City Council meeting.

**ADJOURN:**

Mayor Krolik adjourned the meeting at 7:57 p.m.