



**AGENDA
REGULAR MEETING**

**City Council of the Town of Colma
Colma Community Center
1520 Hillside Boulevard
Colma, CA 94014**

**Wednesday, May 11, 2016
7:00 PM**

PLEDGE OF ALLEGIANCE AND ROLL CALL

ADOPTION OF AGENDA

PRESENTATIONS

- Proclamation in honor of National Foster Care Month
- National Mayor's Challenge for Water Conservation Raffle Winner
- Presentation of Colma Citizens' Advisory Scholarships

PUBLIC COMMENTS

Comments on the Consent Calendar and Non-Agenda Items will be heard at this time.
Comments on Agenda Items will be heard when the item is called.

CONSENT CALENDAR

1. Motion to Accept the Minutes from the April 27, 2016 Regular Meeting.
2. Motion to Approve Report of Checks Paid for April 2016.
3. Motion to Adopt a Resolution Consenting to the Inclusion of Properties within the Town's Jurisdiction in CSCDA Open Pace.
4. Motion to Receive and File the Third Quarter Financial Report (January 2016– March 2016) and Direct Staff to Post a Copy to the Town Website.

NEW BUSINESS

5. REJECTION OF BIDS FOR TOWN HALL RENOVATION PROJECT

Consider: Motion Rejecting All Bids for the Town Hall Renovation Project and Directing Staff to Rebid Project.

PUBLIC HEARING

6. SIGN REGULATION ORDINANCE

Consider: Motion to Introduce an Ordinance Amending Subchapter 4.07 of the Colma Municipal Code, Relating to Sign Regulations, and Waive a Further Reading of the Ordinance.

7. BUSINESS REGISTRATION CHANGES

Consider: Motion to Introduce an Ordinance Amending Colma Municipal Code Chapter 4.01 Related to Business Registrations Pursuant to CEQA Guideline 15061(b)(3), and Waive a Further Reading of the Ordinance.

8. GARDEN EQUIPMENT NOISE LIMITATION

Consider: Motion to Introduce an Ordinance Adding Colma Municipal Code Section 2.05.030 Related to Gardening Equipment Noise Limitations Pursuant to CEQA Guideline 15061(b)(3), and Waive a Further Reading of the Ordinance.

COUNCIL CALENDARING

REPORTS

Mayor/City Council

City Manager

ADJOURNMENT

The City Council Meeting Agenda Packet and supporting documents are available for review at the Colma Town Hall, 1188 El Camino Real, Colma, CA during normal business hours (Mon – Fri 8am-5pm). Persons interested in obtaining an agenda via e-mail should call Caitlin Corley at 650-997-8300 or email a request to ccorley@colma.ca.gov.

Reasonable Accommodation

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**MINUTES
REGULAR MEETING**

City Council of the Town of Colma
Colma Community Center, 1520 Hillside Boulevard
Colma, CA 94014

Wednesday, April 27, 2016

7:00 p.m.

CALL TO ORDER – 7:00 p.m.

Mayor Diana Colvin called the Regular Meeting of the City Council to order at 7:03 p.m.

Council Present – Mayor Diana Colvin, Vice Mayor Helen Fisicaro, Council Members Raquel “Rae” Gonzalez, Joseph Silva and Joanne F. del Rosario were all present.

Staff Present – City Manager Sean Rabé, City Attorney Christopher Diaz, Chief of Police Kirk Stratton, Recreation Services Director Brian Dossey, Director of Public Works Brad Donohue, Finance Director Paul Rankin, Special Project Manager Roger Peters, City Clerk Caitlin Corley, and Administrative Technician Darcy De Leon were in attendance.

ADOPTION OF THE AGENDA

Mayor Colvin asked if there were any changes to the agenda. None were requested. The Mayor asked for a motion to adopt the agenda.

Action: Council Member del Rosario moved to adopt the agenda; the motion was seconded by Vice Mayor Fisicaro and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor	✓				
Helen Fisicaro	✓				
Raquel “Rae” Gonzalez	✓				
Joseph Silva	✓				
Joanne F. del Rosario	✓				
	5	0			

PRESENTATION

- Recreation Coordinator Cynthia Morquecho introduced new Facility Attendants Princess Saria and Mathew Yu. Recreation Coordinator Liz Tapia introduced Recreation Leaders Daisy Esquivias, David Locon and Sergio Alvarez.
- City Council recognized William Healy with a plant and a certificate on the occasion of his 90th Birthday.

PUBLIC COMMENTS

Mayor Colvin opened the public comment period at 7:14 p.m. and seeing no one come forward to speak, she closed the public comment period at 7:15 p.m.

CONSENT CALENDAR

- Motion to Accept the Minutes from the April 13, 2016 Regular Meeting.

Action: Council Member Silva moved to approve the Consent Calendar item #1; the motion was seconded by Vice Mayor Fisicaro and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor	✓				
Helen Fisicaro	✓				
Raquel "Rae" Gonzalez	✓				
Joseph Silva	✓				
Joanne F. del Rosario	✓				
	5	0			

NEW BUSINESS

- FRANCHISE AGREEMENT FOR RECYCLABLES, ORGANIC WASTE AND GARBAGE COLLECTION AND PROCESSING SERVICES**

Vice Mayor Fisicaro announced that due to an ongoing legal issue between her husband's company and a subcontractor for South San Francisco Scavenger Company, she has decided to recuse herself. She stepped down from the dais.

Special Project Manager Roger Peters and Richard Tagore-Erwin of R3 Consulting Group, Inc. presented the staff report. Mayor Colvin opened the public comment hearing at 7:47 p.m. and seeing no one come forward to speak, she closed the public comment. Council discussion followed. Carl Mennie, General Manager of Republic Service answered questions from Council.

Action: Council Member del Rosario moved to Adopt a Resolution Authorizing an Exclusive Franchise Agreement with Allied Waste Services of North America, LLC for the Collection and Processing of Recyclables and Organics, and the Collection and Disposal of Garbage, from August 31, 2016 through August 31, 2026; the motion was seconded be Council Member Gonzalez and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor	✓				
Helen Fisicaro			✓		
Raquel "Rae" Gonzalez	✓				
Joseph Silva	✓				
Joanne F. del Rosario	✓				
	4	0			

Vice Mayor Fisicaro returned to the dais.

- 2016-17 WATER CONSERVATION INCENTIVE PROGRAM**

Director of Public Works Brad Donohue presented the staff report. Mayor Colvin opened the public comment at 8:01 p.m. and seeing no one come forward to speak, she closed the public comment. Council discussion followed.

Action: Council Member Gonzalez moved to Adopt a Resolution Establishing the Authorized Subsidy at \$80,000 for the Water Conservation Incentive Program in Fiscal Year 2016-17; the motion was seconded by Council Member del Rosario and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor	✓				
Helen Fisicaro	✓				
Raquel "Rae" Gonzalez	✓				
Joseph Silva	✓				
Joanne F. del Rosario	✓				
	5	0			

STUDY SESSION

4. 2016-17 CAPITAL IMPROVEMENT PLAN

Director of Public Works Brad Donohue presented the staff report. Mayor Colvin opened the public comment period at 8:13 p.m. and seeing no one come forward to speak, she closed the public comment. Council discussion followed. This item was for discussion only; no action was taken at this meeting.

5. PRELIMINARY FISCAL YEAR 2016 – 2017 BUDGET AND FINANCIAL PLAN

City Manager Sean Rabé and Finance Director Paul Rankin presented the staff report. Mayor Colvin opened the public comment period at 8:42 p.m. and seeing no one come forward to speak, she closed the public comment. Council discussion followed. This item was for discussion only; no action was taken at this meeting.

COUNCIL CALENDARING

The next Regular City Council Meetings will be Wednesday, May 11, 2016 at 7:00 p.m. and Wednesday, May 25, 2016 at 7:00 p.m.

REPORTS

Diana Colvin

Crunch Fitness Center Mixer, 4/20

Helen Fisicaro

Better Homes and Gardens Real Estate Mixer, 4/18
Business to Business Extravaganza, 4/21

Joanne F. del Rosario

IHOP Mixer, 4/19
Business to Business Extravaganza, 4/21

City Manager Sean Rabé reported on the following topics:

- Town Wide Clean-Up Day is Saturday, May 14.
- Biggest Loser Challenge begins May through the end of June.

ADJOURNMENT

- The meeting was adjourned by Mayor Colvin at 8:59 p.m. in memory of Yer Vang, Mother of Administrative Assistant Lia Vang and Naser Moinpour, CSG employee who worked with the Town

Respectfully submitted,

Darcy De Leon
Administrative Technician

Bank : first FIRST NATIONAL BANK OF DALY

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43574	4/1/2016	00068	04012016 B	4/1/2016	COLMA PEACE OFFICERS: P/	729.52	729.52
43575	4/1/2016	00631	04012016 B	4/1/2016	PERS - BUYBACK: PAYMENT	29,296.76	
			04012016 B	4/1/2016	PERS MISC NON-TAX: PAYME	8,956.35	
			04012016 M	4/1/2016	PERS MISC NON-TAX: PAYME	610.44	38,863.55
43576	4/1/2016	01340	04012016 B	4/1/2016	FLEX 125 PLAN: PAYMENT	362.31	362.31
43577	4/1/2016	01360	04012016 B	4/1/2016	ICMA CONTRIBUTION: PAYME	4,667.00	
			04012016 M	4/1/2016	ICMA CONTRIBUTION: PAYME	650.00	5,317.00
43578	4/1/2016	01375	04012016 B	4/1/2016	NATIONWIDE: PAYMENT	6,475.00	
			04012016 M	4/1/2016	NATIONWIDE: PAYMENT	700.00	7,175.00
43579	4/1/2016	02377	04012016 B	4/1/2016	WAGE GARNISHMENT: PAYM	553.84	553.84
93359	4/1/2016	00521	04012016 M	4/1/2016	FEDERAL TAX: PAYMENT	908.40	908.40
93361	4/1/2016	00130	04012016 B	4/1/2016	CALIFORNIA STATE TAX: PAY	7,939.70	7,939.70
93362	4/1/2016	00521	04012016 B	4/1/2016	FEDERAL TAX: PAYMENT	43,135.64	43,135.64

b total for FIRST NATIONAL BANK OF DALY CITY: 104,984.96

9 checks in this report.

Grand Total All Checks:

104,984.96

Bank : first FIRST NATIONAL BANK OF DALY

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43580	4/4/2016	00005	Feb 2016	4/4/2016	FEB 2016 CLAIM ABGV24136 I	3,600.75	3,600.75
43581	4/4/2016	00051	6544607057	3/17/2016	6544607057 SW CORNER HIL	122.13	122.13
43582	4/4/2016	00057	8402651403	3/18/2016	PW FIRST AID SUPPLIES	182.96	182.96
43583	4/4/2016	00071	01/30/16 - 02/26	3/30/2016	CSG	102,067.75	102,067.75
43584	4/4/2016	00140	03/21/16 Morque	3/21/2016	CREDIT CARD CHARGE	3,292.81	
			03/21/16 Tapia	3/21/2016	CREDIT CARD CHARGE	2,452.29	
			03/21/16 Gogan	3/21/2016	CREDIT CARD CHARGE	1,965.45	
			03/21/16 Dossey	3/21/2016	CREDIT CARD CHARGE	1,858.38	
			03/21/16 Pfofent	3/21/2016	CREDIT CARD CHARGE	952.15	
			03/21/16 Stratfor	3/21/2016	CREDIT CARD CHARGE	355.00	
			03/21/16 Lum	3/21/2016	CREDIT CARD CHARGE	111.31	
			03/21/16 Rabe	3/21/2016	CREDIT CARD CHARGE	15.58	11,002.97
43585	4/4/2016	00169	1444	3/30/2016	PLANT MAINTENANCE	650.00	650.00
43586	4/4/2016	00254	0092128195-2	4/1/2016	MAINTENANCE CONTRACT	602.00	602.00
43587	4/4/2016	00307	0092128195-2	3/20/2016	0092128195-2 1520 HILLSIDE	1,957.45	1,957.45
			9248309814-8	3/20/2016	9248309814-8 601 F ST.	229.56	229.56
			0567147369-1	3/24/2016	0567147369-1 JSB S/O SERRA	125.67	125.67
			2039987372-6	3/18/2016	2039987372-6 OPPOSITE 507	10.89	10.89
			9956638930-2	3/18/2016	9956638930-2 NEXT TO 540 B	9.53	9.53
43588	4/4/2016	00432	April 2016	3/21/2016	VISION SERVICE PLAN	1,054.20	2,333.10
43589	4/4/2016	00449	03/24/2016	3/24/2016	CREDIT CARD CHARGE	3,953.03	1,054.20
43590	4/4/2016	00955	Jan - March 2016	4/1/2016	DISABILITY ACCESS & EDUC	54.00	3,953.03
43591	4/4/2016	00978	2000434.003	3/28/2016	03/28/16 DEPOSIT REFUND	300.00	54.00
43592	4/4/2016	01030	1601288	3/20/2016	MONTHLY SERVICE CONTRA	5,380.00	300.00
			1601219	3/21/2016	STANDARD MULTIPLE DOMA	449.97	5,380.00
43593	4/4/2016	01037	April 2016	3/26/2016	COMCAST CABLE TV	12,875.28	5,829.97
			03/25-04/24 Intel	3/20/2016	8155 20 022 0097051 Internet	286.20	12,875.28
			04/02/16-05/01/1	3/27/2016	INTERNET 1198 & 1199 EL CA	241.20	286.20
			03/25-04/24 427	3/20/2016	HIGH SPEED INTERNET 427 F	236.20	241.20
			03/27-04/26 XFII	3/17/2016	1520 HILLSIDE XFINITY TV	10.11	236.20
43594	4/4/2016	01189	DEPARTMENT OF MOTOR VE	3/29/2016	2016 CA VEHICLE CODE BOO	84.48	10.11
43595	4/4/2016	01276	GONZALEZ, RAE	3/31/2016	03/31/16 STAMPIN UP SERIES	8.00	84.48
43596	4/4/2016	01280	AIRGAS-NCN	3/21/2016	SURVEYOR VESTS: 2 2X, 8L	114.78	8.00
43597	4/4/2016	01340	NAVIA BENEFIT SOLUTIONS	3/31/2016	SECTION 125 PARTICIPANT F	75.00	114.78

Bank : first FIRST NATIONAL BANK OF DALY (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43598	4/4/2016	01370	VERIZON WIRELESS SERVICE	3/15/2016	CELL PHONE SERVICE	1,540.63	1,540.63
43599	4/4/2016	01457	BATERINA, BARBARA	3/31/2016	03/31/16 SIMPLY CREATIVE C	5.00	5.00
43600	4/4/2016	01462	JACOBSON, RUTH	3/28/2016	03/28/16 CERAMIC GARDEN F	216.00	216.00
43601	4/4/2016	01549	BURNS, LORI	3/28/2016	03/16/16 HRA MEETING RWC	11.99	11.99
43602	4/4/2016	01812	PRECISION ROOFING, INC.	851B Refund C & D	851B REFUND C & D	1,000.00	1,000.00
43603	4/4/2016	02121	SEEVERS, DANIEL	March 22-23, 20	MARCH 22-23, 2016 MEAL RE	30.49	30.49
43604	4/4/2016	02179	HUB INTERNATIONAL OF CA	March 2016	INSURANCE EVENTS	256.08	256.08
43605	4/4/2016	02258	KIM, SEUNG NAM	March 2016 Youth	GOLF LESSONS	125.00	125.00
43606	4/4/2016	02499	GE CAPITAL INFORMATION T	1061656538	3/24/2016 PRINT CARTRIDGE BLACK M	41.00	41.00
43607	4/4/2016	02714	MARCHETTI, DAWN	March 22-23, 20	MARCH 22-23, 2016 MEAL RE	31.38	31.38
43608	4/4/2016	02793	DITO'S MOTORS	13722	2013 FORD EXPLORER V6 3.7	13.50	13.50
43609	4/4/2016	02799	WAVE	April 2016	RIMS INTERNET W/SSF	400.00	400.00
43610	4/4/2016	02840	TONG-ROBINSON, SHARON	2016-0331TC	CLASSES	105.00	105.00
43611	4/4/2016	02886	READY REFRESH BY NESTLE	06C0034299321	3/21/2016 BOTTLED WATER SERVICE	34.17	34.17
43612	4/4/2016	02913	FARALLON COMPANY	Pmt #3 1601-03	3/18/2016 PMT #3 WORK COMPLETED	195,316.20	195,316.20
43613	4/4/2016	02927	BAIRD + DRISKELL COMMUNI	21 ELEM Mar 28	3/28/2016 FY 2015-16 21 ELEMENTS IMF	1,000.00	1,000.00
43614	4/4/2016	02928	LOPEZ-TAPIA, JOEL	2000435.003	3/29/2016 03/28/16 DEPOSIT REFUND	150.00	150.00

b total for FIRST NATIONAL BANK OF DALY CITY: 345,960.55

35 checks in this report.

Grand Total All Checks: 345,960.55

Final Check List
Town of Colma

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04/11/2016 9:35:42AM

Bank : first FIRST NATIONAL BANK OF DALY

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43615	4/11/2016	00057	March 2016	3/31/2016	CLEANNING SERVICE	1,261.89	1,261.89
43616	4/11/2016	00057	8402651421	3/18/2016	FIRST AID SUPPLIES 1188 EL	218.99	218.99
43617	4/11/2016	00093	CITY OF SOUTH SAN FRANCISCO	3/17/2016	TRAFFIC SIGNAL MAINTENANCE	755.45	755.45
43618	4/11/2016	00181	IEDA	4/1/2016	LABOR RELATIONS CONSULTING	1,279.00	1,279.00
43619	4/11/2016	00311	PITNEY BOWES INC.	4/3/2016	#2838522 POSTAGE & FOLDI	285.03	285.03
43620	4/11/2016	00362	COUNTY OF SAN MATEO	4/5/2016	03/08/16 EFFECTIVE BUSINESS	175.00	175.00
43621	4/11/2016	00364	SMC SHERIFF'S OFFICE	3/31/2016	LAB FEES	728.59	728.59
43622	4/11/2016	00388	SONITROL	4/1/2016	427 F ST. MONTHLY MONITORING	109.00	109.00
43623	4/11/2016	00414	TERMINEX INTERNATIONAL	4/11/2016	601 F St.	59.00	59.00
43624	4/11/2016	00500	SMC CONTROLLERS OFFICE	4/4/2016	ALLOCATION OF PARKING PERMIT	1,135.00	1,135.00
43625	4/11/2016	00778	CASTILLO, ANA	4/6/2016	04/06/16 DEPOSIT REFUND	50.00	50.00
43626	4/11/2016	00978	CASTRO, RUDOLFO	4/6/2016	04/06/16 DEPOSIT REFUND	50.00	50.00
43627	4/11/2016	01125	GUTIERREZ, JOSE	4/4/2016	04/04/16 DEPOSIT REFUND	300.00	300.00
43628	4/11/2016	01308	EEL RIVER FUELS, INC.	3/31/2016	PW GAS PURCHASES	157.24	157.24
43629	4/11/2016	01344	PROJECT READ	Jan - March 2016	PROJECT READ	2,125.00	2,125.00
43630	4/11/2016	01367	DUO DANCE ACADEMY	Oct - Dec 2015	PROJECT READ	1,875.00	1,875.00
43631	4/11/2016	01450	SAN MATEO LAWN MOWER	Feb 2016	DANCE CLASSES	480.00	480.00
43632	4/11/2016	01687	UNITED SITE SERVICES OF	March 2016	MARCH PURCHASES	600.45	600.45
43633	4/11/2016	01995	CELESTE, MIKE L.	114-3876837	STANDARD AND REGULAR SIGNAGE	128.01	128.01
43634	4/11/2016	02042	CINTAS FIRE 636525	16-0401	CARDROOM BACKGROUND	1,155.00	1,155.00
43635	4/11/2016	02082	VINCE'S OFFICE SUPPLY, INC	OF44631173	03/25/16 CCC KITCHEN INSPECTION	316.03	316.03
43636	4/11/2016	02119	GRANT, CHRISTOPHER	March 2016	OFFICE SUPPLIES	303.45	303.45
43637	4/11/2016	02144	DOMINICA A. DE LUCCA DBA DI646	March 7-11, 2016	MARCH 7-11, 2016 REIMBURSEMENT	171.52	171.52
43638	4/11/2016	02150	COLOMBO, EMIL L. AND DORI1043	March 29, 2016	MARCH 29, 2016 REIMBURSEMENT	48.62	48.62
43639	4/11/2016	02182	DALY CITY KUMON CENTER	3/29/2016	TAE KWON DO	900.00	900.00
43640	4/11/2016	02274	FRANK AND GROSSMAN LANI150252	4/6/2016	04/06/16 INNER PERSPECTIVE	396.00	396.00
43641	4/11/2016	02700	FBINAA CA SF	4/6/2016	TUTORING	4,210.00	4,210.00
43642	4/11/2016	02742	WOO, CASSANDRA	4/1/2016	LANDSCAPING	10,200.00	10,200.00
43643	4/11/2016	02824	R3 CONSULTING GROUP, INC7794	4/4/2016	04/21/16 SPRING LUNCHEON	60.00	60.00
43644	4/11/2016	02851	BERTUMEN, ELIZABETH N.	March 2016 Mile	MARCH 2016 MILEAGE REIMBURSEMENT	57.61	57.61
43645	4/11/2016	02864	MOBILE MODULAR MANAGEMENT9655505	Jan 25-March 28	PROCUREMENT ASSISTANCE	8,680.00	8,680.00
				961345	HULA & TAHITIAN DANCE CLUB	462.50	462.50
					24 X 60 HCD OFFICE RENTAL	657.27	657.27
					8 X 20 OFFICE HCD, RAMP RENTAL	408.97	408.97

Bank : first FIRST NATIONAL BANK OF DALY (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43646	4/11/2016	02909	March 2016 Mile	4/4/2016	MARCH 2016 MILEAGE REIMI	121.83	
			Feb 2016 Mileag	4/4/2016	FEB 2016 MILEAGE REIMBUR	26.14	147.97
43647	4/11/2016	02929	2000446.003	4/5/2016	04/05/16 DEPOSIT REFUND	225.00	225.00
43648	4/11/2016	02930	2000445.003	4/4/2016	04/04/16 DEPOSIT REFUND	50.00	50.00

b total for FIRST NATIONAL BANK OF DALY CITY: 40,222.59

34 checks in this report.

Grand Total All Checks: 40,222.59

Bank : first FIRST NATIONAL BANK OF DALY

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43649	4/15/2016	00068	04152016 B	4/15/2016	COLMA PEACE OFFICERS: P/	884.28	884.28
43650	4/15/2016	00631	04152016 B	4/15/2016	PERS - BUYBACK: PAYMENT	25,903.31	
			04152016 B	4/15/2016	PERS MISC NON-TAX: PAYME	8,967.25	34,870.56
43651	4/15/2016	01340	04152016 B	4/15/2016	FLEX 125 PLAN: PAYMENT	362.31	362.31
43652	4/15/2016	02377	04152016 B	4/15/2016	WAGE GARNISHMENT: PAYM	553.84	553.84
93365	4/15/2016	00130	04152016 B	4/15/2016	CALIFORNIA STATE TAX: PAY	8,478.29	8,478.29
93366	4/15/2016	00521	04152016 B	4/15/2016	FEDERAL TAX: PAYMENT	44,832.12	44,832.12
total for FIRST NATIONAL BANK OF DALY CITY:							89,981.40

apChkLst
04/13/2016 2:30:54PM

Final Check List
Town of Colma

Page: 2

6 checks in this report.

Grand Total All Checks:

89,981.40

Bank : first FIRST NATIONAL BANK OF DALY

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43653	4/18/2016	00020	ASSOCIATED SERVICES INC	March 2016 #11	4/12/2016	SUPPLIES	121.00
43654	4/18/2016	00051	CALIFORNIA WATER SERVICE	03/28/2016	3/28/2016	WATER BILL	2,759.73
43655	4/18/2016	00174	HOME DEPOT CREDIT SERVICE	03/30/2016	3/30/2016	PW PURCHASES	948.49
43656	4/18/2016	00280	OFFICE DEPOT, INC.	02/29/16-04/08/1	4/13/2016	826410625001 OPTIMA ELECT	49.78
43657	4/18/2016	00307	PACIFIC GAS & ELECTRIC	3007220528-6	4/3/2016	3007220528-6 1199 EL CAMIN	2,353.25
				0512181543-4	4/3/2016	0512181543-4 TRAFFIC SIGN	1,861.27
				6991706865-7	4/1/2016	6991706865-7 1190 EL CAMIN	1,123.75
				0576889222-5	4/3/2016	0576889222-5 1180 EL CAMIN	228.34
43658	4/18/2016	00375	VALLERGA, STEPHEN A.	Jan - March, 201	4/18/2016	Jan - March 2016 Retiree Medic	124.98
43659	4/18/2016	00412	TELECOMMUNICATIONS ENG	44217	4/10/2016	Facilities Mgmt & Maintenance	1,328.00
43660	4/18/2016	00414	TERMINEX INTERNATIONAL	L353723384	4/13/2016	PEST CONTROL	417.00
43661	4/18/2016	00463	FISICARO, HELEN	April 8-10, 2016	4/10/2016	APRIL 8-10, 2016 PROGRESS	131.76
43662	4/18/2016	00623	ARAMARK	March 2016	3/31/2016	UNIFORM SERVICE	410.36
43663	4/18/2016	00830	STAPLES ADVANTAGE	8038737750	4/2/2016	SEB REMAN TONER BRO TN	108.52
				8038441786	3/12/2016	2 100PK DVD-R SPINDLE	25.28
43664	4/18/2016	01399	WESTLAKE TOUCHLESS CARM	March 2016	4/1/2016	PD CAR WASH	19.90
43665	4/18/2016	01569	DARLING INTERNATIONAL IN	600:2761402	4/5/2016	TRAP SERVICE CHARGE	79.71
43666	4/18/2016	01643	AUSTRIA, HELEN	2000450.003	4/11/2016	04/11/15 DEPOSIT REFUND	300.00
43667	4/18/2016	01997	CHAIX COMPANY	111488	4/8/2016	CCC OPERABLE WALL: REPA	996.00
43668	4/18/2016	02150	COLOMBO, EMIL L. AND DOR	1044	4/7/2016	04/07/16 INNER PERSPECTIV	387.24
43669	4/18/2016	02190	GOGAN, REA	April 4-7, 2016 R	4/7/2016	APRIL 4-7, 2016 REIMBURSE	61.60
43670	4/18/2016	02198	BAYSIDE PRINTED PRODUCT	103044	4/11/2016	RECREATION GUIDE	1,810.18
43671	4/18/2016	02216	RAMOS OIL CO. INC.	639172	3/31/2016	GASOLINE PURCHASES	1,106.85
				636090	3/10/2016	GASOLINE PURCHASES	869.09
				637618	3/20/2016	GASOLINE PURCHASES	746.34
				639304	3/31/2016	GASOLINE PURCHASES	17.37
43672	4/18/2016	02299	MAITA, CYNTHIA LANI	2000451.003	4/11/2016	04/11/16 DEPOSIT REFUND	50.00
43673	4/18/2016	02352	GUTIERREZ, IMELDA	2000453.003	4/12/2016	04/12/16 DEPOSIT REFUND	350.00
				2000452.003	4/12/2016	04/12/16 DEPOSIT REFUND	300.00
43674	4/18/2016	02386	VIBO MUSIC SCHOOL	Jan 23-April 7, 2	4/11/2016	MUSIC LESSONS	2,328.00
43675	4/18/2016	02398	ADVANCED BUSINESS FORM	30064	4/8/2016	2,000 4-PT. PARKING CITATIO	1,108.99
				30063	4/8/2016	2,000 MOVING CITATIONS RE	764.07
43676	4/18/2016	02402	COMMERCIAL SPEEDOMETE	TEI2026	3/14/2016	CHECK SPEEDOMETER ACCI	252.00

Bank : first FIRST NATIONAL BANK OF DALY (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43677	4/18/2016	02499	GE CAPITAL INFORMATION T196654671	4/7/2016	PD COPY MACHINE RENTAL	810.78	
			96620481	4/5/2016	REC COPY MACHINE RENTAL	602.56	1,413.34
43678	4/18/2016	02499	GE CAPITAL INFORMATION T11061656538	4/3/2016	TONER SHIPPING OVERNIGHT	41.00	41.00
43679	4/18/2016	02510	REGIONAL GOVERNMENT SE 5860	3/31/2016	CONTRACT FINANCE SERVIC	5,895.00	5,895.00
43680	4/18/2016	02585	NHA ADVISORS, LLC	4/12/2016	2015 COP CONTINUING DISC	2,000.00	2,000.00
43681	4/18/2016	02602	SAN MATEO COUNTY/SILICON	4/15/2016	2017 VISITOR GUIDE ADVERT	325.00	325.00
43682	4/18/2016	02605	GUERRERO, SAUL	Feb 11-March 17	FEB 11-MARCH 17, 2016 REIM	90.71	90.71
43683	4/18/2016	02743	UTILITY TELEPHONE, INC	April 2016	INTERNET ACCESS 128070	700.89	700.89
43684	4/18/2016	02827	CORODATA SHREDDING, INC.RS2790505	3/31/2016	STORAGE, PICKUP/DELIVER	61.25	61.25
43685	4/18/2016	02863	PLACEWORKS, INC.	3/31/2016	MARCH 2016 CARMAX CEQA	206.55	206.55
43686	4/18/2016	02931	PRINT WORKS	Earth Day T-Shir	64 EARTH DAY T-SHIRTS	868.86	868.86

b total for FIRST NATIONAL BANK OF DALY CITY: 35,141.45

34 checks in this report.

Grand Total All Checks:

35,141.45

Bank : first FIRST NATIONAL BANK OF DALY

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43687	4/25/2016	00051	CALIFORNIA WATER SERVICE03/31/2016 1727052702	3/31/2016	CA WATER	129.49	
43688	4/25/2016	00071	CSG CONSULTANTS, INC. 02/27/16 - 03/25/16	4/13/2016	1727052702 JSB ACROSS FR	76.33	205.82
43689	4/25/2016	00110	DEPARTMENT OF TRANSPORTS160749	4/18/2016	CSG	91,847.49	91,847.49
43690	4/25/2016	00117	DELTA DENTAL OF CALIFORNIA BE001600725	4/13/2016	SIGNALS & LIGHTING	490.71	490.71
43691	4/25/2016	00282	CALIFORNIA PUBLIC EMPLOY2006	5/1/2016	DENTAL INSURANCE	12,609.40	12,609.40
43692	4/25/2016	00307	PACIFIC GAS & ELECTRIC 0678090639-9	4/14/2016	MEDICAL INSURANCE	38,648.60	38,648.60
43693	4/25/2016	00411	TURBO DATA SYSTEMS 24247	4/14/2016	0678090639-9 S/E CORNER H	50.02	78.96
43694	4/25/2016	00534	SMC INFORMATION SERVICE:1YCL11603	3/31/2016	9593452526-2 1500 HILLSIDE	258.30	258.30
43695	4/25/2016	00619	LUM, SHERWIN April 11-14, 2016	4/13/2016	CITATION PROCESSING	1,255.50	1,256.00
43696	4/25/2016	01036	MANAGED HEALTH NETWORK3200079021	4/20/2016	MICRO CHANNEL & LINES	171.94	171.94
43697	4/25/2016	01037	COMCAST CABLE 04/11-05/10 601	4/16/2016	APRIL 11-14, 2016 MEAL REIM	99.20	99.20
43698	4/25/2016	01076	API CONSULTING 16-04 Colma	4/7/2016	EMPLOYEE ASSISTANCE PRG	106.20	106.20
43699	4/25/2016	01183	BEST BEST & KRIEGER LLP 769701	4/18/2016	HIGH-SPEED INTERNET 601 I	4,660.00	4,660.00
43700	4/25/2016	01308	EEL RIVER FUELS, INC, 486693	4/12/2016	RECORDS MANAGEMENT	16,800.00	
43701	4/25/2016	01367	DUO DANCE ACADEMY March 2016	4/12/2016	CITY ATTORNEY SERVICES	2,412.00	
43702	4/25/2016	01414	VERANO HOMEOWNERS ASS5	4/12/2016	CITY ATTORNEY SERVICES	1,047.00	
43703	4/25/2016	01457	BATERINA, BARBARA 2000455.003	4/12/2016	CITY ATTORNEY SERVICES	601.79	20,860.79
43704	4/25/2016	01526	GONZALEZ, VICENTE N. 2000457.003	4/15/2016	PW GAS PURCHASES	363.43	363.43
43705	4/25/2016	01565	BAY CONTRACT MAINTENAN/April 2016	4/18/2016	DANCE CLASSES	360.00	360.00
43706	4/25/2016	01569	DARLING INTERNATIONAL IN/600:2768497	5/1/2016	VERANO OWNERS ASSOCIAI	300.00	300.00
43707	4/25/2016	01643	AUSTRIA, HELEN 2000456.003	4/15/2016	04/15/16 WITHDRAWAL REFU	10.00	10.00
43708	4/25/2016	01878	PRIORITY ARCHITECTURAL G2015A5247	4/18/2016	04/18/16 DEPOSIT REFUND	200.00	200.00
43709	4/25/2016	01919	COLLICUTT ENERGY SERVICE/44220	4/10/2016	JANITORIAL SERVICES	7,881.25	7,881.25
43710	4/25/2016	02118	BAY AREA NEWS GROUP 0000957641	4/19/2016	TRAP SERVICE CHARGE	79.71	79.71
43711	4/25/2016	02224	STANDARD INSURANCE COMMay 2016	4/18/2016	04/18/16 DEPOSIT REFUND	300.00	300.00
43712	4/25/2016	02291	SOUTHWOOD PLUMBING & H50616	4/15/2016	AMANDA VELASQUEZ CUSTC	120.25	120.25
43713	4/25/2016	02294	CRISTANDO HOUSE, INC. 30179	4/12/2016	ANNUAL SERVICE & 2 HOUR	1,720.40	1,720.40
43714	4/25/2016	02515	FLORES, VICKY 2000459.003	3/31/2016	SMC CLASSIFIED AD TOWN I	471.97	471.97
				4/14/2016	LIFE INSURANCE	231.00	231.00
				4/6/2016	INSTALL 2 WALL THERMOSTA	322.11	322.11
				4/19/2016	POST & STC MANAGEMENT I	299.00	299.00
				4/18/2016	04/18/16 DEPOSIT REFUND	80.00	80.00

Bank : first FIRST NATIONAL BANK OF DALY (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43715	4/25/2016	02623	BLOEBAUM, CYNTHIA	4/21/2016	COOKING CLASSES	840.00	840.00
43716	4/25/2016	02894	ARC DOCUMENT SOLUTIONS	3/25/2016	TOWN HALL-ADDENDUM A: C	979.14	
			1416450	3/28/2016	COLMA TOWN HALL PPC BOI	307.38	
			1416458	3/28/2016	COLMA TOWN HALL PPC BOI	306.68	
			1405208	3/14/2016	COLMA TOWN HALL EMAIL FI	43.60	1,636.80
43717	4/25/2016	02932	TRIP STOP SIDEWALK REPAIR	4/13/2016	REMOVAL OF TRIP HAZARDS	450.00	450.00
b total for FIRST NATIONAL BANK OF DALY CITY:						186,959.33	

31 checks in this report.

Grand Total All Checks:

186,959.33

Bank : first FIRST NATIONAL BANK OF DALY

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43718	4/29/2016	00047	04292016 B	4/29/2016	CLEA: PAYMENT	392.00	392.00
43719	4/29/2016	00068	04292016 B	4/29/2016	COLMA PEACE OFFICERS: P/	729.52	729.52
43720	4/29/2016	00282	04292016 B	4/29/2016	CALIFORNIA PUBLIC EMPLOY	66,912.28	66,912.28
43721	4/29/2016	00631	04292016 B	4/29/2016	P.E.R.S.	25,876.37	25,876.37
43722	4/29/2016	01340	04292016 B	4/29/2016	PERS MISC NON-TAX: PAYME	9,203.89	35,080.26
43723	4/29/2016	01360	04292016 B	4/29/2016	NAVIA BENEFIT SOLUTIONS	362.31	362.31
43724	4/29/2016	01375	04292016 B	4/29/2016	VANTAGE TRANSFER AGENT	3,467.00	3,467.00
43725	4/29/2016	02224	04292016 B	4/29/2016	NATIONWIDE RETIREMENT S	6,475.00	6,475.00
43726	4/29/2016	02377	04292016 B	4/29/2016	STANDARD INSURANCE COM	360.70	360.70
93369	4/29/2016	00130	04292016 B	4/29/2016	CALIFORNIA STATE DISBURS	553.84	553.84
93370	4/29/2016	00521	04292016 B	4/29/2016	EMPLOYMENT DEVELOPMEN	8,639.18	8,639.18
				4/29/2016	UNITED STATES TREASURY	46,819.06	46,819.06
o total for FIRST NATIONAL BANK OF DALY CITY:							169,791.15

11 checks in this report.

Grand Total All Checks:

169,791.15



STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Michael P. Laughlin, AICP, City Planner
 Turhan J.B. Sonmez, Associate Planner
 VIA: Sean Rabé, City Manager
 MEETING DATE: May 11, 2016
 SUBJECT: New Property Assessed Clean Energy (PACE) Program in Colma: CSCDA Open PACE

RECOMMENDATION

Staff recommends that the City Council adopt:

RESOLUTION CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TOWN'S JURISDICTION IN CSCDA OPEN PACE

EXECUTIVE SUMMARY

Several Property Assessed Clean Energy (PACE) financing providers, including CaliforniaFIRST, Figtree, and HERO have already been authorized by City Council to operate in Colma. The proposed resolution would authorize the additional well-known PACE financing provider, California Statewide Communities Development Authority (CSCDA) Open PACE, and its affiliated programs, to operate in Colma. The CSCDA Open PACE affiliated programs include: AllianceNRG, PACE Funding, and CaliforniaFIRST (which previously received separate authorization to operate in Colma).

FISCAL IMPACT

The Town will not incur any noticeable fiscal impact by authorizing the additional PACE program. However, property improvements can potentially result in an increase in sales, payroll and property tax revenue to the Town.

BACKGROUND

Under the Improvement Act of 1911 (California Streets and Highways Code Division 7), cities, counties, and special districts may create or join special tax districts through which property owners agree to special assessments. Under amendments included in AB 811 (2008), a residential or commercial property owner can access special financing (up to 15% of their property's value) through a special tax district for permanent renewable energy, energy efficiency, and water efficiency improvements to existing structures. The property owner

voluntarily enters into a contractual agreement with the special tax district to access financing that is secured by a lien on their property and repaid as a special assessment on their property tax bill. This means that the property owner pays the special tax at the same time and in the same manner as other property taxes and assessments. The lien is superior to all previously existing private liens, such as mortgages. This financing approach is referred to as Property Assessed Clean Energy (PACE), and programs that facilitate this form of financing are referred to as PACE programs.

PACE financing is an alternative to other mechanisms by which a property owner might fund these types of improvements, such as using cash, a home equity line of credit (HELOC), or a credit card, and offers advantages to some property owners.

In order for property owners in a jurisdiction to access PACE financing, the jurisdiction must create or join an existing special tax district and specifically authorize contracts between the special tax district and property owners for PACE financing. The Town of Colma is already a member of the special tax district affiliated with CSCDA Open PACE, which is known as the California Statewide Communities Development Authority (CSCDA).

ANALYSIS

PACE financing is one option for property owners to finance energy efficiency and water conservation improvements. Improvements commonly implemented through PACE include solar energy systems, heating and cooling system upgrades, window replacement, and insulation upgrades. It is an alternative to other financing mechanisms, such as using cash, a home equity line of credit (HELOC), or a credit card, to finance these improvements. PACE financing is unique in that qualifying for PACE financing is based primarily on a property owner's equity and timeliness of property tax and mortgage payments rather than individual credit rating or debt-to-income ratio. PACE debt is linked to the property rather than the property owner. It does not appear on the property owner's individual credit report. PACE programs offer fixed long-term interest rates, the term of which is generally equal to the useful life of the improvement, which might be longer than the normal term of other loans. As such, PACE financing offers advantages over other forms of financing to some borrowers.

CSCDA Open PACE

CSCDA Open PACE is being offered to allow property owners in the Town to finance renewable energy, water efficiency improvements, seismic improvements and electric vehicle charging infrastructure on their property. Participation in the assessment is 100% voluntary by the property owner. The improvements installed on the owner's property are financed by the issuance of bonds by CSCDA. The bonds are secured by a voluntary contractual assessment levied on the owner's property. Property owners who wish to participate in PACE agree to repay the money through the voluntary contractual assessment collected with property taxes. The voluntary contractual assessments will be levied by CSCDA and collected in annual installments through the applicable county secured property tax bill.

The proposed resolution enables CSCDA Open PACE programs to be available to owners of residential and commercial property within Colma to finance permanently fixed renewable

energy, energy efficiency, water efficiency, and seismic strengthening improvements as well as electric vehicle charging infrastructure.

CSCDA (and not the Town) will be responsible for entering into voluntary contractual assessment agreements with participating property owners, levying the voluntary contractual assessments, issuing bonds to finance the Improvements and taking remedial actions in the event of delinquent assessment payments. The resolution expressly provides that the Town will not be responsible for the conduct of any assessment proceedings, the levy of assessments, any required remedial action in the case of delinquencies in assessment payments, or the issuance, sale or administration of any bonds issued in connection with CSCDA Open PACE.

In addition to Alliance NRG and PACE Funding, there exists a third CSCDA Open PACE affiliated program, known as CaliforniaFIRST, which has already been authorized by the City Council to operate in Colma. Additionally, the Town is already a member of the California Statewide Communities Development Authority (CSCDA), the special tax district affiliated with CSCDA Open PACE.

COUNCIL ADOPTED VALUES

The recommendation is consistent with the Council value of *responsibility* because the recommended decision will provide additional financing options to Colma property owners, thereby furthering the Town's policies and services. The recommendation is also consistent with the Council value of *vision* because the recommended decision will promote innovation and energy efficiency and water conservation projects in the Town.

SUSTAINABILITY IMPACT

Although the Town has not estimated the number of property owners that might participate in a PACE program nor the associated positive environmental and economic impacts to the Town, staff does expect that there will be some increase in the number of energy efficiency and water conservation projects.

ALTERNATIVES

The City Council could choose not to adopt the resolution authorizing CSCDA Open PACE and its affiliated programs to operate in the Town. This option is not recommended, however, as it will result in a fewer number of PACE financing providers for businesses and residents to choose from in the Town.

CONCLUSION

Staff recommends the City Council adopt the Resolution so as to provide Colma property owners with further increased PACE financing options.

ATTACHMENTS

- A. Resolution



RESOLUTION NO. 2016-__
OF THE CITY COUNCIL OF THE TOWN OF COLMA

**RESOLUTION CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE
TOWN'S JURISDICTION IN CSCDA OPEN PACE**

The City Council of the Town of Colma does hereby resolve as follows:

1. Background

(a) The City Council has considered the staff report.

2. Findings.

The City Council finds that:

(a) The California Statewide Communities Development Authority (the "Authority" or "CSCDA") is a joint exercise of powers authority, the members of which include numerous cities and counties in the State of California, including the Town of Colma; and

(b) The Authority is implementing Property Assessed Clean Energy (PACE) programs, which it has designated CSCDA Open PACE, consisting of CSCDA Open PACE programs each administered by a separate program administrator (collectively with any successors, assigns, replacements or additions, the "Programs"), to allow the financing or refinancing of renewable energy, energy efficiency, water efficiency and seismic strengthening improvements, electric vehicle charging infrastructure and such other improvements, infrastructure or other work as may be authorized by law from time to time (collectively, the "Improvements") through the levy of contractual assessments pursuant to Chapter 29 of Division 7 of the Streets & Highways Code ("Chapter 29") within counties and cities throughout the State of California that consent to the inclusion of properties within their respective territories in the Programs and the issuance of bonds from time to time; and

(c) The program administrators currently active in administering Programs are the AllianceNRG Program (presently consisting of Deutsche Bank Securities Inc., CounterPointe Energy Solutions LLC and Leidos Engineering, LLC), PACE Funding LLC and Renewable Funding LLC, and the Authority will notify the Town in advance of any additions or changes; and

(d) Chapter 29 provides that assessments may be levied under its provisions only with the free and willing consent of the owner or owners of each lot or parcel on which an assessment is levied at the time the assessment is levied; and

(e) The Town desires to allow the owners of property ("Participating Property Owners") within its territory to participate in the Programs and to allow the Authority to conduct assessment proceedings under Chapter 29 within its territory and to issue bonds to finance or refinance Improvements; and

(f) The territory within which assessments may be levied for the Programs shall include all of the territory within the Town's official boundaries; and

(g) The Authority will conduct all assessment proceedings under Chapter 29 for the Programs and issue any bonds issued in connection with the Programs; and

(h) The Town will not be responsible for the conduct of any assessment proceedings; the levy of assessments; any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of any bonds issued in connection with the Programs.

3. CEQA

(a) The City Council hereby finds that adoption of this Resolution is not a "project" under the California Environmental Quality Act, because the Resolution does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by CEQA Guideline 15378(b)(4).

4. Order

(a) The City Council hereby finds and declares that properties in the territory of the Town will benefit from the availability of the Programs within the territory of the Town and, pursuant thereto, the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 and the issuance of bonds to finance or refinance Improvements.

(b) In connection with the Programs, the Town hereby consents to the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 on any property within the territory of the Town and the issuance of bonds to finance or refinance Improvements; provided, that:

(1) The Participating Property Owners, who shall be the legal owners of such property, execute a contract pursuant to Chapter 29 and comply with other applicable provisions of California law in order to accomplish the valid levy of assessments; and

(2) The Town will not be responsible for the conduct of any assessment proceedings; the levy of assessments; any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of any bonds issued in connection with the Programs.

(c) The appropriate officials and staff of the Town are hereby authorized and directed to execute and deliver such certificates, requisitions, agreements and related documents as are reasonably required by the Authority to implement the Programs.

5. Effective Date

(a) This Resolution shall take effect immediately upon its adoption. The City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of the Authority.

Certification of Adoption

I certify that the foregoing Resolution No. 2016-## was duly adopted at a regular meeting of the City Council of the Town of Colma held on May 11, 2016, by the following vote:

Name	Counted toward Quorum			Not Counted toward Quorum	
	Aye	No	Abstain	Present, Recused	Absent
Diana Colvin, Mayor					
Helen Fiscaro					
Joanne F. del Rosario					
Joseph Silva					
Raquel Gonzalez					
<i>Voting Tally</i>					

Dated _____

Diana Colvin, Mayor

Attest: _____
Caitlin Corley, City Clerk





STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Paul S. Rankin, Contract Finance Director
 VIA: Sean Rabé, City Manager
 MEETING DATE: May 11, 2016
 SUBJECT: Third Quarter Financial Report (January 2016 – March 2016)

RECOMMENDATION

Staff recommends that the City Council approve:

MOTION TO RECEIVE AND FILE THE THIRD QUARTER FINANCIAL REPORT (JANUARY 2016 – MARCH 2016) AND DIRECT STAFF TO POST A COPY TO THE TOWN WEBSITE

EXECUTIVE SUMMARY

In order to provide the City Council and the public with periodic updates on the Town Finances, Staff prepared a Quarterly Report. The focus of the information is on the General Fund. This report compares the current year performance to the amended Budget as well as providing a comparison to the same period in the previous year.

FISCAL IMPACT

Although there are some deviations based on timing, overall revenue and expenses are tracking as expected with the current Budget.

ANALYSIS

Staff reviewed the revenue and expenditures recorded during the first nine months of the Fiscal Year. This serves as a means to formally assess the budget performance as well as to serve as possible early disclosure if trends are not following the expected pattern.

The Quarterly Report (Attachment A) summarizes the results at a high level and also discusses the reasons for any significant deviations. Most of the deviations are caused by timing differences. Since history can also be helpful in detecting deviations, the report also provides a matching snapshot for the same period in the previous year.

The General Fund includes budgeted revenue of approximately \$16.8 million and budgeted expenditures of \$13.8 million. In addition the General Fund has net budgeted transfers of approximately \$9.9 million. Approximately 55% of the budgeted revenue was collected in the first 9 months. This is typical since sales tax, the most significant revenue, lags by approximately 3 months. Total expenditures to date were approximately 71% of the amount

budgeted, and on track to finish the year within budget. Additional details are described in Attachment A.

Reasons For the Recommended Action

Acceptance of the report provides disclosure of current year revenue and expenditure trends.

COUNCIL ADOPTED VALUES

The Staff recommendation is consistent with the Council adopted values of:

- *Responsibility*: Making decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the agency, especially its financial stability.
- *Fairness*: Support the public's right to know and promote meaningful public involvement.

CONCLUSION

Staff is requesting that the City Council receive and file the report and direct Staff to post a copy to the Town website.

ATTACHMENT

A. Quarterly Financial Report – Third Quarter 2015-2016 (January 2016 – March 2016).



QUARTERLY FINANCIAL REPORT THIRD QUARTER 2015-2016 (January 1, 2016 – March 31, 2016)

This report provides an overview and summarized information on the Town Finances. For the Town of Colma, the General Fund represents the most significant portion of the annual revenue and expenditures. Therefore, the focus of the report will be on the performance of the General Fund, unless otherwise noted. The format of the report compares data from the Prior Year Actual results, to the Current Year Budget / Quarterly Actual. The current year amounts presented provide preliminary information and are subject to adjustments.

GENERAL FUND FINANCIAL POSITION

In Fiscal Year 2015-2016 the General Fund includes budgeted revenue of approximately \$16.8 million and budgeted expenditures of \$13.8 million. The budget amounts incorporate the Mid-Year Budget Adjustments approved by the City Council. In addition the General Fund has net budgeted transfers of approximately \$9.9 million. A transfer represents resources in one fund that are transferred to another fund. The transfers in the current year budget are for Capital Project funding and Debt Service. The Capital Fund transfers are now complete. This includes a Transfer for the Town Hall Construction. These funds will remain in the CIP Fund until expended for the project and then any residual funds would be transferred back to the General Fund.

	FISCAL YEAR 2014-2015			FISCAL YEAR 2015-2016		
	Actual Fiscal Year	3rd Qtr Actual	% Actual For Period	Budget Fiscal Year	3rd Qtr Actual	% of Budget For Period
Revenue	\$16,526,223	\$9,700,316	58.7%	\$16,803,222	\$9,222,095	54.9%
Expenditures	(12,948,463)	(9,171,772)	70.8%	(13,768,267)	(9,717,425)	70.6%
Net Transfers In / (Out)	(2,927,828)	(77,554)		(9,852,155)	(9,543,165)	
Net Change	649,932	450,990		(6,817,200)	(10,038,495)	
Beginning Balance	27,467,979	27,467,979		28,117,913	28,117,911	
Balance Year To Date	28,117,911	27,918,969		21,300,713	18,079,416	

MAJOR GENERAL FUND REVENUE SOURCES

Over 90 percent of the budgeted General Fund Revenues are concentrated in four revenue types. Revenues collected are not evenly distributed from month to month.

	FISCAL YEAR 2014-2015			FISCAL YEAR 2015-2016		
	Actual Fiscal Year	3rd Qtr Actual	% Actual For Period	Budget Fiscal Year	3rd Qtr Actual	% of Budget For Period
Sales Taxes	\$10,327,853	\$5,813,225	56.3%	\$10,500,000	\$5,071,669	48.3%
Cardroom Taxes	3,774,885	2,521,685	66.8%	3,850,000	2,590,359	67.3%
Property Taxes	552,017	312,388	56.6%	521,900	319,468	61.2%
Sewer Fees	758,019	387,545	51.1%	700,000	428,378	61.2%
Sub-Total Major Revenue	\$15,412,773	\$9,034,843	58.6%	\$15,571,900	\$8,409,875	54.0%
Total All Gen Fund Revenue	\$16,526,223	\$9,700,316		\$16,803,222	\$9,222,095	
% of Total Revenue	93.3%	93.1%		92.7%	91.2%	

As shown in the previous table approximately just over half of the General Fund Revenue (54%) was collected in the first nine months of the current fiscal year. A narrative explanation is provided below for key deviations.

MAJOR REVENUE (Key Items)

- Sales Tax revenue always lags based on the tax collection cycle. The State Board of Equalization issues advances, with a true-up payment. The March “true-up” payment reflects retail sales through December 31st.
- The Sales Tax in the previous year included a payment that was accrued in the first quarter and it was not repeated in the current year. This related to triple flip reimbursements from the State of California.
- A key reason why Sales Tax is tracking lower in the current year (48% compared to 56% at the same time last year) is a timing change made by the State. This is the final year of the State Sales Tax Triple Flip (a portion of the sales tax is distributed from the State to the County and then to the City). The State has changed the distribution methodology and a larger amount of these funds will be received at the end of the current year.
- Cardroom taxes can fluctuate from year to year based on a variety of factors. The adopted budget for Fiscal Year 2015-2016 is approximately 2 percent above the actual amount collected in the prior year. Through the first nine months this revenue source is now tracking ahead (+\$68,674) of the same period in the prior year.
- Property taxes for the current year reflect the first of two major installments. The amount recorded is slightly more than 60%, which reflects a small positive variance based on new assessed values. The County will distribute the second installment in April.
- Sewer Fees are collected on the Property Tax bill. The fees represent the first of two major installments received from the Property Tax bill payments.
- Based on the amount of sewer fees levied, the final amount is expected to exceed the budgeted amount. A contributing factor is that the budget accounted for use of 100% of the water reduction incentive funds. In actuality fewer accounts qualified for the incentive than was included in the adopted budget.

GENERAL FUND EXPENDITURES

The following table shows that overall, Expenditures by Department / Program are tracking very similar to the previous year, with approximately 71% of the budget expended to date.

	FISCAL YEAR 2014-2015			FISCAL YEAR 2015-2016		
	Actual Fiscal Year	3rd Qtr Actual	% Actual For Period	Budget Fiscal Year	3rd Qtr Actual	% of Budget For Period
General Government	\$3,903,935	\$2,274,865	58.3%	\$3,434,470	\$2,653,317	77.3%
Police	4,728,613	3,585,749	75.8%	5,443,167	3,941,123	72.4%
Engineering / Building / Planning	1,256,815	818,484	65.1%	1,466,000	739,748	50.5%
Public Works Maintenance	1,712,167	1,526,768	89.2%	1,913,000	1,416,815	74.1%
Recreation Services	824,248	618,546	75.0%	882,580	646,872	73.3%
Facility Maintenance	522,685	347,361	66.5%	629,050	319,549	50.8%
TOTAL	\$12,948,463	\$9,171,772	70.8%	\$13,768,267	\$9,717,425	70.6%

The following notes provide highlights of key deviations in the Expenditures by Department presented in the previous Table.

- The annual retiree medical expense is reported entirely under the General Government category. With the establishment of the OPEB Trust the entire annual contribution was deposited into the Trust in July 2016. In the previous year monthly payments were made.
- Engineering, Planning & Building & Safety are tracking below the authorized budget. Contributing factors include the lag in billing for the contract services. The budget also included funding for a Maintenance Supervisor contract position, which was eliminated as part of a restructuring of services during the past year.
- In Fiscal Year 2015/2016 PERS requires a fixed payment towards the unfunded liability. The Town made a pre-payment of the amount due in order to take advantage of a discount.
- Overall, all expenditures in the General Fund are projected to finish the year within the authorized budget.

The following table also displays the expenses organized by expenditure type.

	FISCAL YEAR 2014-2015			FISCAL YEAR 2015-2016		
	Actual Fiscal Year	3rd Qtr Actual	% Actual For Period	Budget Fiscal Year	3rd Qtr Actual	% of Budget For Period
Salaries & Benefits	\$7,503,292	\$4,970,551	66.2%	\$7,426,397	\$5,678,412	76.5%
Operating Services & Supplies	1,397,540	1,094,412	47.0%	1,829,880	1,075,168	58.8%
Contractual / Professional Services	2,330,175	1,571,217	67.4%	2,557,100	1,322,974	51.7%
Infrastructure Maint Contract Svcs	309,107	165,019	53.4%	347,200	203,694	58.7%
Sewer Services	938,126	910,337	97.0%	1,024,400	918,555	89.7%
Insurance (Liability / Property)	470,222	460,236	97.9%	583,290	518,621	88.9%
TOTAL	\$12,948,463	\$9,171,772	70.8%	\$13,768,267	\$9,717,425	70.6%

The Table above is helpful to evaluate how common types of expenditures are tracking compared to the Budget and the prior year experience.

- Salaries and benefits are the most significant portion of General Fund expenditures. The increased spending in the three quarters of FY 2015-2016, compared to the previous year, reflects the pre-payment of retirement related expenses discussed above.
- Contract services include a variety of professional as well as service contracts associated with providing Town services. There can sometimes be a lag in the billing from the service provider. As noted above a significant concentration of these services occurs in the Engineering, Planning and Building & Services.
- Costs for Sewer Services are near 90% of the budget. This is a typical pattern as the collection and treatment system payments to the providers are made early in the Fiscal Year. The remainder of the budgeted expenses would be associated with maintenance expense on the system during the year.
- The Insurance expense primarily represents insurance premiums. The premium payment for liability and property insurance is due in the first month of the Fiscal Year. Therefore, even though the expenses are approaching 90% after nine months the budget should be adequate.

ADDITIONAL DETAILS AND INFORMATION

The format of this report was prepared by the Finance Department to highlight in summary fashion key indicators of the Town Financial performance. Additional details are available on the Town website www.colma.ca.gov.



STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Brad Donohue, Director of Public Works
 VIA: Sean Rabé, City Manager
 MEETING DATE: May 11, 2016
 SUBJECT: Rejection of Bids for Town Hall Renovation Project

RECOMMENDATION

Staff recommends that the City Council adopt:

MOTION REJECTING ALL BIDS FOR THE TOWN HALL RENOVATION PROJECT AND
 DIRECTING STAFF TO REBID PROJECT

EXECUTIVE SUMMARY

Because of the wide spread between the three bids received for the Town Hall Renovation Project, staff is recommending the Council reject all bids and direct staff to rebid the project for due diligence purposes.

FISCAL IMPACT

The costs to rebid the project are unknown at this time but are estimated between \$10,000 and \$15,000. The majority of the cost will come from working with the Project Architect to provide alternate means of bidding the project that open the door to more competitive bidders and streamlines the bid process for potential bidders.

BACKGROUND

The Town Hall Renovation Project was sent out to bid on February 22, 2016 with a bid opening date of March 31, 2016. The Town held a mandatory pre-bid meeting on March 11, 2016 and seven prime contractors attended the meeting. Of the seven contractors who attended the pre-bid meeting only three submitted timely bids.

There were two addenda released for the project. The first addendum went out March 24 and consisted of 265 pages of revised plans and specifications. In addition to the large first addendum, a second addendum was released April 1. This second addendum extended the bid submittal date by one week to April 7 and included revisions to an additional 18 pages of the plans and specifications. Of the seven potential bidders only three contractors submitted bids.

The received bids are as follows:

- | | |
|-----------------------------|--------------|
| 1. S & H Construction, Inc. | \$5,711,920 |
| 2. Alpha Bay Builders, Inc. | \$10,345,449 |
| 3. USS Cal Builders, Inc. | \$12,484,810 |

ANALYSIS

Staff has questioned several of the contractors who attended the pre-bid meeting and inquired why they did not submit a bid. We were told the bidding climate is such that the larger construction firms are busy and are not bidding aggressively, but some mid-sized contractors appear to be ready and willing to bid projects within their bonding capacity. To that end staff is looking into ways to attract those mid-sized contractors so the pricing stays in line with the budgets established.

Staff was also told that the large addenda released during the bid period created confusion for potential contractors. It also appears the low bidder may have underestimated the complexity of the electrical system and steel structure.

To attract more mid-sized contractors staff is analyzing breaking the construction-portion of the project into two distinct phases for rebidding, and will be working with the design team to streamline the bidding process.

COUNCIL ADOPTED VALUES

Rejecting the submitted bids is the *responsible* action because doing so will allow staff to rebid the project with changes that will promote dependable pricing.

ALTERNATIVES

The City Council could choose to not approve the recommended motion and, instead, direct staff work with the existing bids. Doing so is not recommended, however, as staff would like to obtain additional bids on the low end of costs to ensure the Town is obtaining the best experience available from contractors in the field.

CONCLUSION

Staff recommends the City Council approve a motion to reject all bids for the Town Hall Renovation Project and direct staff to rebid the project.



STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Christopher J. Diaz, City Attorney
 VIA: Sean Rabé, City Manager
 MEETING DATE: May 11, 2016
 SUBJECT: Sign Regulation Ordinance

RECOMMENDATION

Staff recommends that the City Council approve the following:

MOTION TO INTRODUCE AN ORDINANCE AMENDING SUBCHAPTER 4.07 OF THE COLMA MUNICIPAL CODE, RELATING TO SIGN REGULATIONS, AND WAIVE A FURTHER READING OF THE ORDINANCE.

EXECUTIVE SUMMARY

The proposed ordinance would amend subchapter 4.07 of the Colma Municipal Code relating to sign regulations. This proposed ordinance is necessary to ensure the Town is in compliance with the fairly recent U.S. Supreme Court decision *Reed v. the Town of Gilbert* that requires all sign regulations to be content-neutral.

FISCAL IMPACT

The proposed ordinance would not cause any fiscal impact on the Town as the proposed ordinance is only focused on general regulations applicable to signs.

BACKGROUND

On June 18, 2015, the United States Supreme Court issued its long awaited opinion in the *Reed v. Town of Gilbert* case. In that case, the U.S. Supreme Court struck down portions of a town's sign code, which subjected certain signs to different rules depending on whether the sign's message was ideological, political, or directional. The Court found that the Town's regulations were content-based and subject to the strictest review by the Court. Content-based laws are presumptively unconstitutional and may be justified only if the local agency proves that the law is narrowly tailored to serve compelling state interests. Local agencies can rarely satisfy this standard, as was the case in *Reed*.

ANALYSIS

In light of this decision, a sign standard that is applied to only signs conveying a certain message is "content based" and as such, would be unconstitutional. The City Attorney's Office

has reviewed the Town's existing sign regulations at Subchapter 4.07 to ensure they comply with the *Reed* case. In particular, the City Attorney's office has reviewed the ordinance and modified certain regulations so that the message on the sign is not regulated. Instead, the regulations focus on the signs themselves in terms of size, lighting, material, location and other content-neutral criteria.

In particular, the proposed ordinance accomplishes the following:

- As detailed on page 2 of the ordinance, the ordinance removes definitions associated with regulations that are content-specific. The definitions removed from the ordinance include "identifying signs" and "name plates." Both of these definitions regulate on the basis of content, namely requiring that the signs only include content that is for identification or naming purposes. This type of definition is content based and would violate the ruling in the *Reed* case. As such, these definitions have been removed.
 - With regard to "identifying signs" this definition was used to regulate signs in both the "R" Zone and the "G" Zone. In consultation with planning staff, we revised the regulation in the "R" Zone to focus on non-commercial signs versus identifying signs. Signs can still be regulated based on a commercial versus non-commercial message consistent with prior case law, and the *Reed* case did not disturb prior case holdings on this issue. With regard to signs in the "G" Zone, in consultation with planning staff, we opted to remove identifying signs in the "G" Zone. This was done as cemeteries already have a broad exception in the Town's sign regulations to have any type of sign. Additionally, other properties in the "G" Zone, besides cemeteries, are minimal and have opportunities for other types of signs.
 - With regard to "name plates" although the Town's ordinance included a definition, no regulations were found regarding "name plates." Thus, the removal of the definition will not have an impact on the Town's sign regulations, but will ensure compliance with the *Reed* case.
- As detailed on page 4 of the ordinance, the ordinance modifies the definition for "temporary non-commercial sign" to be content neutral. The previous definition defined temporary non-commercial signs as signs with a political, health, safety or welfare campaign or a political event. This type of definition would violate the ruling in the *Reed* case.
- Also on page 4 of the ordinance, the ordinance adds a new definition for a "temporary sign" to mean a sign made of cloth, canvas, or other light material that is not designed or intended to be placed permanently. This type of definition focuses on the sign itself, and not the message conveyed, and would be consistent with the court's ruling in *Reed*.
- Also on page 4 of the ordinance, additional language has been included to justify certain exemptions from regulation. The court in *Reed* did acknowledge a city can exempt certain signs from regulations where necessary to protect the public health, safety and welfare. Signs that are exempt include government notices which are necessary to ensure the public is informed for welfare purposes, governmental signs for traffic control, etc. which are necessary for public safety, and house numbers and other

warning signs which are necessary for public and traffic safety. Signs stricken from this exemption provision in the ordinance include flags of a nation, city or state, religious signs, commemorative plaques, religious symbols, and flags for businesses. Such exemptions would be deemed content specific and without a justification based on public health, safety and welfare, such exemptions would violate the constitution.

- On page 5 of the ordinance, additional language has been provided to clarify why “for-sale” or “lease” signs are exempt from the permit requirements in the ordinance. California Civil Code 712 and 713 provide a private property owner the complete right to post a “for sale” or “lease” sign on their private property. This provision in state law would preempt the Town from regulating for sale or lease signs and the newly added language acknowledges this state law provision.
- On page 6 of the ordinance, language has been removed regarding “identifying signs” as discussed above.
- On page 7 of the ordinance, language has been removed regarding “identifying signs” as discussed above.
- Finally, on page 8 through 10 of the ordinance, the following changes have been implemented:
 - On page 8, with regard to temporary non-commercial signs, which would include any political or campaign signs, in consultation with the City Planner and City Manager, language has been included increasing the size of temporary non-commercial signs allowed in zones other than residential. The previous regulation limited such signs to eight square feet. This has been increased to sixteen square feet. This increase is consistent with prior case law acknowledging that sixteen square feet in non-residential zones would be consistent with First Amendment rights. If the Town were to reduce the size, it could face a legal challenge that we have limited one’s free speech rights. The larger the sign, however, the more the Town ensures free speech rights are protected as the individual posting the sign will have more space on the sign to vocalize their speech. Increasing to a larger sign might also reduce sign clutter as many campaigns opt to post numerous smaller signs during an election cycle. If they have the opportunity to post one large sign, sign clutter could be reduced.
 - On pages 8 through 10, language has been removed regarding campaign type events as sign regulations specific to campaign events would be deemed content specific and a violation of the *Reed* case. The City Attorney’s office did, however, leave regulations in place regarding removal of campaign signs in subsection (h) to ensure due process rights are protected. Prior case law does hold that in removing campaign signs after an election, that certain procedures be followed to ensure a candidate’s due process rights are protected.
- Lastly, a severability clause has been added to ensure that if any one section of the Town’s sign ordinance is deemed unconstitutional for any reason, that the remaining portions of the sign ordinance would still have legal effect.

Council Adopted Values

The City Council's introduction and ultimate adoption of the ordinance is consistent with the value of *responsibility* as the ordinance ensures the Town is in compliance with the *Reed v. Town of Gilbert* case and constitutional requirements.

Alternatives

The City Council could choose not to adopt the ordinance or could seek further amendments to the ordinance. The Council should adopt the ordinance, however, as the Town is currently out of compliance with recent case law and the ordinance as-is would be subject to legal challenge. If the City Council wants to see additional amendments to the ordinance, the City Attorney's office could research the legality of those amendments and could then come back to the Council at a future meeting with a revised ordinance.

CONCLUSION

The City Council should introduce the ordinance.

ATTACHMENTS

- A. Ordinance

ORDINANCE NO. ____
OF THE CITY COUNCIL OF THE TOWN OF COLMA

ORDINANCE AMENDING SUBCHAPTER 4.07 OF THE
COLMA MUNICIPAL CODE, RELATING TO SIGN REGULATIONS

The City Council of the Town of Colma does ordain as follows:

ARTICLE 1. CMC SECTION 4.07.020 AMENDED. ¹

Section 4.07.020 of the Colma Municipal Code is hereby amended as follows:

4.07.020 Special Definitions.

The following definitions shall apply to this Article.

- (a) *Area of a Sign.* The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary support or uprights on which such sign is placed but including any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.
- (b) *Attached to a Building.* Supported, in whole or in part, by a building.
- (c) *Commercial sign* means any sign with wording, logo or other representation that directly or indirectly names, advertises or calls attention to a product or service for purchase or sale, or to any business or organization that is engaged in, or plans to engage in, the sale or purchase of a product or service.
- (d) *Cutout Letter Sign.* A fascia sign consisting of individual cutout letters separately attached to the building wall.
- (e) *Directly Illuminated Sign.* A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light inside or on the sign.
- (f) *Fascia Sign.* A sign attached flush to the exterior wall of a building so that copy is meant to be viewed along sight lines perpendicular to the wall of the building.

¹ Substantive changes have been identified as follows: New text has been underlined; revised text has been underlined, without showing the prior wording; and deleted text is shown with a strike-through line. Non-substantive changes, such as grammar and formatting are not identified. All markings will be removed from the final version that is adopted by the City Council.

(g) *Freeway*. A highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only a limited or restricted right or easement of access, the precise route for which has been determined and designated as a freeway by an authorized agency of the State or a political subdivision thereof. The term shall include the main traveled portion of the traffic way and all ramps and appurtenant land and structures.

(h) *Height of a Sign*. The vertical distance from the uppermost point used in measuring the area of a sign, as defined in Section 4.07.020(a), to the ground immediately below such point or to the level of the upper surface of the nearest curb of a street, alley or highway (other than a structurally elevated roadway), whichever measurement permits the greater elevation of the sign.

~~(i) *Identifying Sign*. A sign for a use listed in Section 5.313 of this Code as either a permitted or a conditional use allowed in an R-District, regardless of the district in which the use itself may be located, which sign serves to tell only the name, address and lawful use of the premises upon which the sign is located, or to which it is affixed. A bulletin board of a public, charitable or religious institution, used to display announcements relative to meetings to be held on the premises, shall be deemed an identifying sign.~~

(j) *Indirectly Illuminated Sign*. A sign illuminated with a light directed primarily toward it and so shielded that no direct rays from the light are visible elsewhere than on the parcel where the sign is located. If not effectively so shielded, such sign shall be deemed to be a directly illuminated sign.

(k) *Landscaped Freeway*. Any part of a freeway that is now or hereafter classified by the State or a political subdivision thereof as a landscaped freeway, as defined in the California Outdoor Advertising Act. Any part of a freeway that is not so designated shall be deemed a non landscaped freeway.

(l) *Monument Sign*. A sign the bottom edge of which lies on the ground. A wood supported or wood framed sign which, to avoid soil contact, retains a clearance from the ground of no more than six inch clearance.

~~(m) *Name Plate*. A sign affixed flat against a wall of a building and serving to designate only the name or the name and professional occupation of a person or persons residing in or occupying space in such building.~~

(n) *Non-commercial sign* means any sign that is not a commercial sign.

(o) *Non-Illuminated Sign*. A sign which is not artificially illuminated, either directly or indirectly.

(p) *Off-Site Sign*. A sign which directs attention to a business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises where the sign is located, or which is sold, offered or conducted on such premises only incidentally if at all.

(q) *On-site Sign.* A sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered, or conducted, other than incidentally, on the premises upon which such sign is located or to which it is affixed. Where a number of commodities with different brand names or symbols are sold on the premises, up to 1/3 of the area of an on-site sign, up to 25 square feet, may be devoted to the advertising of one or more of those commodities by brand name or symbol as an accessory function of the on-site sign, and provided also that any limits which may be imposed by this Code on the area of individual signs and the area of all signs on the property are not exceeded. On-site signs shall also include signs which present a non-commercial message.

(r) *A Pole Sign.* A sign, no part of which is supported by a building. The sign support shall consist of a pole or sign tower. Regulations for pole signs shall not apply to monument signs.

(s) *Projecting Sign.* A sign attached to a building but projecting from the exterior wall of the building so that copy is meant to be read when viewed along sight lines parallel to the wall of the building.

(t) *Projection.* The horizontal distance by which the farthest point used in measuring the area of a sign, as defined in section 4.702(a), extends beyond a street property line or a building setback line. A sign placed flat against the wall of a building parallel to a street or alley shall not be deemed to project for purposes of this definition. A sign on an awning or canopy shall be deemed to project to the extent that such sign extends beyond a street property line or a building setback line.

(u) *Roof Line.* The upper edge of any building wall or parapet.

(v) *Roof Sign.* A sign extending in whole or in part beyond the roof line of a building, or erected or painted on or over the roof covering any portion of a building, whether supported on the roof or on an independent structural frame or sign tower, or located on the side or roof of a penthouse, roof tank, roof shed, elevator housing or other roof structure.

(w) *Sale or Lease Sign.* A sign which serves only to communicate the availability for sale, lease or rental the lot or building on which it is placed, or some part thereof.

(x) *Shopping Center.* A group of stores and shops on a single parcel or contiguous parcels of land which holds itself out as a central retail market.

(y) *Sign.* Any structure, part thereof, or device or inscription which is located upon, attached to, or painted, projected or represented on any land or right-of-way, or on the outside of any building or structure, including an awning, canopy, marquee or similar appendage, or affixed to the glass on the outside or inside of a window so as to be seen from the outside of the building, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, light, trademark or other representation used as, or in the nature of, any announcement, advertisement, attention-arrester, direction, warning or designation, by or of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry. A "sign" is composed of those elements included in the area of the sign as defined in section 4.07.020(a) of this Code, and in addition the supports, uprights and framework of the display. Except in the case of off-site signs, two or more faces shall be

deemed to be a single sign if such faces are contiguous on the same plane, or are placed back-to-back to form a single structure and are at no point more than two feet from one another.

(z) *Sign Field.* The background to which the sign message is contrasted.

(aa) *Sign Permit* A permit issued pursuant to section 4.07.210 to permit applicable signs.

(bb) *Sign Program.* A Master Plan describing overall sign design, lettering, sign placement, materials and size standards for signs on a development site.

(cc) *Sign Tower.* A tower, whether attached to a building, free-standing, or an integral part of a building, which has a sign attached thereto.

(dd) *Street Property Line.* For purposes of this subchapter only, "street property line" shall mean any line separating private property from either a street or an alley.

(ee) Temporary Non-commercial Sign means a ~~non-commercial temporary sign in connection with a political, health, safety or welfare campaign or a political, health, safety or welfare event which is planned to occur on a certain date or dates~~ with a noncommercial message.

(ff) Temporary Sign means any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board, or other light materials, with or without frames, that is not designed or intended to be placed permanently.

(gg) *Under Canopy Sign.* A sign attached under a canopy or soffit of a building so located as to be viewed by pedestrians using the sidewalk fronting the premises.

(hh) *Wind Sign.* Any sign composed of two or more banners, flags, or other objects, mounted serially and fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

[History: formerly § 4.702; ORD. 365, 2/10/88; ORD. 387, 3/08/89; ORD. 466, 5/11/94; ORD, 638, 12/14/05, ORD. 649, 7/12/06; ORD 651, 9/26/06; ORD ____, __/__/16]

ARTICLE 2. CMC SECTION 4.07.040 AMENDED.

Section 4.07.040 of the Colma Municipal Code is hereby amended as follows:

4.07.040 Exempted Signs.

Nothing in this Article shall apply to any of the following signs that are necessary to protect pedestrians, drivers, and passengers by providing traffic control, directions, house numbers, and other warning signs to ensure public safety on the road and the general welfare of the Town:

(a) Official public notices, and notices posted by public officers in performance of their duties;

(b) Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety.

~~(c) Flags, emblems, insignia and posters of any nation or political subdivision, and temporary displays of a patriotic, religious, charitable or other civic character;~~

(d) House numbers, whether illuminated or not, "no trespassing," "no parking," and other warning signs;

~~(e) Commemorative plaques;~~

~~(f) Religious symbols attached to buildings if not projecting beyond any street property line or building setback line;~~

~~(g) Flags indicating weather conditions, and single flags which are emblems of business firms, enterprises and other organizations;~~

~~(h) Grave stones, crypt markers and other signs designating the final resting place of a person or animal.~~

[*History:* formerly § 4.704; ORD. 365, 2/10/88; ORD. 387, 03/08/89; ORD. 638, 12/14/05; ORD. 649, 7/12/06; ORD. 651, 9/26/06; ORD. __, __/__/16]

ARTICLE 3. CMC SECTION 4.07.050 AMENDED.

Section 4.07.050(c) of the Colma Municipal Code is hereby amended as follows:

4.07.050 Sign Activity for which no Permit is Required.

(c) Sales or Lease Signs; ~~Construction Signs~~ Signs at Construction Sites. No permit shall be required under this Code for sale or lease signs pursuant to existing requirements in state law, or temporary signs of persons and firms connected with work on buildings under actual construction or alteration, to the extent that such signs are permitted by this Code.

[*History:* formerly § 4.705; ORD. 387, 03/08/89; ORD. 466, 5/11/94; ORD. 560, 9/8/1999; ORD. 638, 12/14/05; ORD __, __/__/16]

ARTICLE 4. CMC SECTION 4.07.120 AMENDED.

Section 4.07.120 of the Colma Municipal Code is hereby amended as follows:

4.07.120 Signs in the G Zone.

(a) The following signs, subject to a sign permit, may be permitted in the G zone:

(1) One on-site monument sign for each street frontage of a parcel. The monument sign may be indirectly illuminated or non-illuminated. The height of permitted monument signs shall not exceed six (6) feet, and the length shall not exceed fifteen

(15) feet. Monument signs shall be located so as not to obscure sight lines for motorists, bicyclists or pedestrians;

(2) On-site signs made by the pruning and cultivation of plants and grasses;

(3) One on-site sign attached to a building, indirectly or non-illuminated, with a sign area of 100 square feet or less. On-site signs attached to buildings shall not project more than three feet, except that awning or canopy signs may extend the full length of the awning or canopy, but no further than the street property line.

(4) One on-site fascia sign limited in length to a distance equal to 25% of the width of the building face on which it is placed, and in height to twenty-four (24) inches.

~~(5) One identifying sign no higher than 10 feet and with an area no greater than six square feet.~~

(6) On-site signs, other than billboards, identifying a cemetery. Because of the special cemetery nature of the Town of Colma, as well as the "G" Zone being specific to cemeteries, said signs shall be without restrictions as to size, pole, illumination, or number, or as to devices giving times or temperatures; provided, however, that said signs shall be designed and constructed in a dignified style consistent with cemetery use, pursuant to design review and approval by the Planning Department of the Town of Colma.

(b) Subject to the exemptions set forth in section 4.07.040, the following signs shall be prohibited in the G Zone:

(1) Off-site signs;

(2) Roof signs;

(3) Wind signs or any sign with a moving, rotating, or otherwise animated part, or any flashing, blinking, fluctuating or other animated light; and

(4) Pole signs.

[History: formerly § 4.7.12; ORD. 365, 2/10/88; ORD. 387, 03/08/89; ORD. 400, 08/09/89; ORD. 466, 5/11/94; ORD. 638, 12/14/05; ORD __, __/__/16]

ARTICLE 5. CMC SECTION 4.07.130 AMENDED.

Section 4.07.130 of the Colma Municipal Code is hereby amended as follows:

4.07.130 Signs in the R Zone.

(a) The following signs, subject to the sign permit, may be allowed for conditionally permitted uses in the R Zone:

(1) One non-illuminated or indirectly illuminated ~~identifying~~ non-commercial sign for each street frontage of the lot, not exceeding a height of ten feet, with an area not exceeding six square feet;

(b) The following signs shall be prohibited in the R Zone:

(1) Off-site signs;

(2) Roof signs;

(3) Wind signs, or any sign with a moving, rotating, or otherwise animated part, or any flashing, blinking, fluctuating or other animated light;

(4) Pole signs.

(c) No signs shall be permitted on property used exclusively for single family residential purposes, except one sale or lease sign per parcel as required by state law, and street number signs for public safety purposes.

[History: formerly § 4.713; ORD. 365, 2/10/88; ORD. 387, 03/08/89; ORD. 466, 5/11/94; ORD. 638, 12/14/05; ORD __, __/__/16]

ARTICLE 6. CMC SECTION 4.07.220 AMENDED.

Section 4.07.220 of the Colma Municipal Code is hereby amended as follows:

4.07.220 Temporary Non-commercial Signs.

(a) In order strike a balance between, on the one hand, the need to maintain an expressive forum for speech, and on the other hand, to reduce visual blight within the Town of Colma, maintain the Town's cleanliness and aesthetics and maintain public safety, the City Council of the Town of Colma finds that regulations governing the placement of temporary noncommercial signs and the removal of all abandoned temporary non-commercial signs is necessary to promote the Town's aesthetics, public safety and the health and welfare of its citizens. Specifically, but without limitation, the City Council finds that:

(1) Although temporary non-commercial signs provide an important and economic method of expressing temporary non-commercial and protected speech, they can also create visual, aesthetic and safety impacts that have a deleterious effect on the community.

(2) Many times temporary non-commercial signs are placed in areas that conflict with traffic signals and devices or are placed on structures located in the public right-of-way. Prohibition of temporary non-commercial signs on public street medians, bridges, public utility box or any poles used for public utility, traffic control signs, traffic signals, or street signs is necessary to: prevent visual distractions to motorists which create traffic hazards, prevent unsafe road conditions, and to prevent eyesores from proliferating along public streets.

(3) Temporary non-commercial signs placed on private property are sometimes left for months, sometimes years ~~after a campaign~~. These abandoned temporary non-commercial signs detract from the positive visual image of the community, and the community's redevelopment efforts and also have a tendency to attract the placement of additional temporary signs and result in unattractive sign clutter.

(4) Regulation of the size of temporary non-commercial signs is necessary for safety and aesthetic reasons, specifically, that the strong winds common in Colma would remove the signs, creating hazards and accumulation of debris, and extremely large or illuminated signs would create a distraction to motorists.

(b) *No Permit Required.* A Sign Permit is not required for any temporary non-commercial sign erected, installed or maintained in conformity with this ordinance. No person shall construct, enlarge, alter, move demolish, convert, occupy, equip, use, or maintain any structure with a temporary sign without first obtaining a building permit issued by the Building Official. Each such temporary sign shall be constructed in accordance with the applicable provisions of the Building Codes set forth in Subchapter Four of Chapter Five of the Colma Municipal Code.

(c) **Public Property.**

(1) Except as provided in the next paragraph, no person may erect, affix, mark or maintain any temporary non-commercial sign on public property or within a public right-of-way, including but not limited to, public buildings and structures; public utility poles, wires and structures; traffic signs; public streets and sidewalks; and public parks.

(2) The City Manager may designate public areas for non-commercial signs to be erected, installed or maintained, provided that the sign shall not exceed thirty-two square feet in area and shall be affixed to the ground.

(d) *Private Property:* A temporary non-commercial sign shall be not be erected, installed or maintained on private property, or on public property lawfully occupied by a private user, except in accordance with the following standards:

(1) Permission to erect, install or maintain a temporary non-commercial sign shall first have been obtained from the owner, owner's representative, lessee or tenant of said property;

(2) A temporary non-commercial sign shall not be erected, installed or maintained on the roof of a building;

(3) A temporary non-commercial sign placed in residential zoning districts shall be no larger than four square feet; and

(4) A temporary non-commercial sign placed in zoning districts other than residential shall be no larger than ~~eight~~ sixteen square feet.

(e) *Nuisance.* Any temporary non-commercial sign that is in violation of this section shall be deemed a public nuisance, and the Code Enforcement Officer may order the owner of the

property, ~~and/or the owner of the sign, candidate, candidate's committee, or ballot measure committee~~ to remove the sign and abate the nuisance. The City shall also have the authority to remove said sign in accordance with this section.

(f) *Removal of Temporary Non-commercial Signs in Violation of this Subchapter Prior to Campaign*

(1) A temporary non-commercial sign that is in violation of this section, is located on private property and has not been removed by the owner of the property, ~~and/or the owner of the sign, candidate, candidate's committee, or ballot measure committee,~~ after ~~such persons~~ the owner has been provided with written notification to remove such sign, the reasons for the requested removal and a reasonable opportunity to remove the sign, may be removed by the City.

(2) A temporary non-commercial sign that is posted on public property or in the public right-of-way in violation of this section may be removed summarily by the City at any time

(g) *Removal of Temporary Non-commercial Signs After Campaign Event.*

(1) Each temporary non-commercial sign shall be removed after any event ~~the campaign~~ to which they relate by the owner of the property, ~~candidate, candidate's committee, or ballot measure committee or owner of the sign.~~ Temporary non-commercial signs remaining more than ten (10) days after ~~the campaign~~ any event to which they relate shall be deemed abandoned and a nuisance, and may be summarily removed by the City after giving the owner of the property, or owner of the sign, ~~candidate, candidate's committee, or ballot measure committee~~ written notification to remove such sign, the reasons for the requested removal and a reasonable opportunity to remove the sign.

~~(2) Temporary non-commercial signs placed on behalf of candidates or committees who have been successful in primary or special campaigns shall not remain posted for subsequent general or other campaign purposes. However, such signs may remain if the subsequent general or other campaign will be held within one hundred (100) days of the prior campaign.~~

(3) Temporary non-commercial signs posted on public property or in the public right-of-way remaining after ~~the campaign~~ or any event to which they relate may be summarily removed by the City at any time.

(4) Temporary non-commercial signs on vacant parcels remaining more than ten (10) days after ~~the campaign~~ any event to which they relate shall be deemed abandoned and may be summarily removed by the City.

(h) *Post Removal and Claim Procedures.*

(1) Upon removal of any temporary non-commercial sign by the City, such signs shall be taken to the City Corporation Yard for temporary storage. The City shall keep an

itemized account of the actual costs incurred in removing such signs, including incidental expenses. Incidental expenses shall include, but not be limited to, the cost of any rental equipment required for removal of the sign, administrative costs incurred to notify the property owner, or any candidate or committee responsible and any storage costs.

(2) The City shall provide written notification of its removal of a temporary non-commercial sign to any candidate, candidate's committee, or ballot measure committee responsible for its placement. The written notification shall inform that said sign has been removed and is available for pick-up at the City's Corporation Yard. All temporary non-commercial signs removed shall be stored in the City Corporation Yard and may be destroyed by the City if not claimed within fifteen (15) days of the written notification to the candidate, candidate's committee, or ballot measure committee. For purposes of this subsection, notification shall be deemed to have been provided upon the delivery of the notification letter addressed to the candidate, candidate's committee, or ballot measure committee to the United States Post Office.

(3) Any person claiming a sign so removed by the City may have the sign released upon the payment of any fees incurred for removal of such sign. Signs not picked-up within fifteen (15) days of notification shall be destroyed and the responsible owner of the property, or any candidate, candidate's committee or ballot measure committee shall be billed for the actual costs of the removal. The City may recoup such costs by any reasonable means available.

(i) Appeal Procedures,

(1) Any person aggrieved by any action of the City, may appeal such action, in writing, to the City Council within five (5) days of any written notification by the City of the impending removal of a sign or summary removal. The appeal shall be submitted to the City Clerk and shall state the reasons for the requested appeal.

(2) Upon receipt of an appeal, the City Clerk shall schedule the matter for hearing at the next available City Council hearing for which a quorum is present. The City Clerk shall provide the appellant with written notice concerning the hearing date and time. The City Council shall determine the appeal at a hearing held on the appointed date and time. The decision of the City Council on the matter shall be final unless appealed to a court of competent jurisdiction. Any such appeal shall be processed by the City in accordance with California Code of Civil Procedure §1094.8, or its successor statute or regulation.

[History: ORD. 649, 7/12/06, ORD, 651, 9/26/06; ORD. 738, 1/14/15; ORD __, __/__/16]

ARTICLE 7. CMC SECTION 4.07.230 ADDED.

4.07.230 Severability

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this subchapter.

[ORD __, __/__/16]

ARTICLE 8. SEVERABILITY.

Each of the provisions of this ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 9. NOT A CEQA PROJECT.

The City Council finds that adoption of this ordinance is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

ARTICLE 10. EFFECTIVE DATE.

This ordinance including the vote for and against the same shall be posted in the office of the City Clerk and on the three (3) official bulletin boards of the Town of Colma within 15 days of its passage and shall take force and effect thirty (30) days after its passage.

Certification of Adoption

I certify that the foregoing Ordinance No. ### was introduced at a regular meeting of the City Council of the Town of Colma held on May 11, 2016, and duly adopted at a regular meeting of said City Council held on _____, 2016 by the following vote:

Name	Counted toward Quorum			Not Counted toward Quorum	
	Aye	No	Abstain	Present, Recused	Absent
Diana Colvin, Mayor					
Helen Fisicaro					
Raquel Gonzalez					
Joseph Silva					
Joanne F. del Rosario					
Voting Tally					

Dated _____

Diana Colvin, Mayor

Attest:

Caitlin Corley, City Clerk



STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Michael P. Laughlin, City Planner
 VIA: Sean Rabé, City Manager
 MEETING DATE: May 11, 2016
 SUBJECT: Business Registration Changes

RECOMMENDATION

Staff recommends that the City Council approve the following:

MOTION TO INTRODUCE AN ORDINANCE AMENDING COLMA MUNICIPAL CODE CHAPTER 4.01 RELATED TO BUSINESS REGISTRATIONS PURSUANT TO CEQA GUIDELINE 15061(b)(3), AND WAIVE A FURTHER READING OF THE ORDINANCE.

EXECUTIVE SUMMARY

The proposed amendment would move the annual due date for business registrations from April 1st to January 31st of each year.

FISCAL IMPACT

None

BACKGROUND AND ANALYSIS

The Town of Colma originally enacted the Business Registration Ordinance on January 12, 1983. The ordinance was modified on January 9, 2002 to simplify the process and establish a flat fee of \$25 per license each year. On July 10, 2013 a modification to the annual due date, from January 31st to April 1st, was made to even out the workload in the Finance Department. At that time, the Finance Department had limited staffing and the deadline for business registrations coincided with end of year financial tasks.

The newest modifications Staff is recommending include changing the annual due date back to January 31st and requiring all contractors and subcontractors who perform work in the Town to obtain a Business Registration.

The 2013 modification to the annual due date was made to even out the workload in the Finance Department, but given Staffing increases which have taken place in the in the past two years with the addition of an Accounting Technician and Administrative Technician, the end of year submittal date is achievable. Staff is recommending modifying the annual due date to coincide with the end of the calendar year and expiration of the previous year's Business

Registration. Over the past two years Staff has received a large number of phone calls/emails from customers confused about the timing of the application process due to the large gap of time between the end of the calendar year and the application due date.

Since applications are not sent out by email until late January (with due date of March 31st), the month of January is a one month time period in the year where a business and the Town are without business registration coverage, and the month acts as a de-facto grace period.

Staff believes changing the annual due date back to January 31st will lessen the likelihood of future confusion for applicants. To accommodate a January 31st due date, applications would be distributed by email in late November. Businesses would then have the calendar months of December and January to submit the application without penalty. In addition, staff has noticed much more rapid submittals and compliance under the previous deadlines. Many businesses are motivated to pay by the end of the calendar year for an additional business expense in the year.

Council Adopted Values

The recommendation is consistent with the Council value of *responsibility* because it provides a means of addressing the inefficiencies in the business registration process and supports the Town's business community.

Sustainability Impact

The amendments will have no impact in terms of sustainability.

Alternatives

As an alternative, the City Council can modify the staff recommendation. The Council may prefer the existing or a different due date for business registrations.

Staff does not recommend this alternative since the proposed ordinance addresses current inefficiencies in the business registration process.

CONCLUSION

Staff recommends the City Council introduce and adopt the ordinance.

ATTACHMENTS

- A. Ordinance

ORDINANCE NO. ____
OF THE CITY COUNCIL OF THE TOWN OF COLMA

**AN ORDINANCE AMENDING COLMA MUNICIPAL CODE CHAPTER 4.01
RELATED TO BUSINESS REGISTRATIONS PURSUANT TO
CEQA GUIDELINE 15061(b)(3)**

The City Council of the Town of Colma does ordain as follows:

ARTICLE 1. CMC SECTION 4.01.050 AMENDED.¹

Section 4.01.040 shall be and hereby is amended as follows:

(b) *Time to Register.* The owner or operator of each business to which this ordinance applies must file a registration statement within thirty days of first becoming covered by this ordinance, and not later than ~~April 1~~ January 31 each year thereafter.

(f) *Tax Payment Due; Delinquent Dates.* All registration taxes due hereunder shall be paid in advance, in the lawful money of the United States of America, at the office of the City Clerk of the Town of Colma, and shall be due and payable, and delinquent as follows:

(3) Annual registration, due on ~~April 1~~ January 1 and delinquent at 5:00 P.M. on ~~April 30~~ January 31 of each year.

ARTICLE 2. SEVERABILITY.

Each of the provisions of this Ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE 3. NOT A CEQA PROJECT.

The City Council finds that adoption of this Ordinance is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

ARTICLE 4. EFFECTIVE DATE.

This ordinance, or a summary thereof prepared by the City Attorney, shall be posted on the three (3) official bulletin boards of the Town of Colma within 15 days of its passage and is to take force and effect thirty (30) days after its passage.

Certificate of Adoption

I certify that the foregoing Ordinance No. ____ was duly introduced at a regular meeting of the City Council of the Town of Colma held on May ____, 2016 and duly adopted at a regular meeting of said City Council held on May ____, 2016 by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor					
Helen Fiscaro					
Raquel "Rae" Gonzalez					
Joseph Silva					
Joanne F. del Rosario					
<i>Voting Tally</i>					

Dated _____

Diana Colvin, Mayor

Attest: _____
Caitlin Corley, City Clerk



STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Michael P. Laughlin, City Planner
 VIA: Sean Rabé, City Manager
 MEETING DATE: May 11, 2016
 SUBJECT: Garden Equipment Noise Limitation

RECOMMENDATION

Staff recommends that the City Council approve:

MOTION TO INTRODUCE AN ORDINANCE ADDING COLMA MUNICIPAL CODE SECTION 2.05.030 RELATED TO GARDENING EQUIPMENT NOISE LIMITATIONS PURSUANT TO CEQA GUIDELINE 15061(b)(3), AND WAIVE A FURTHER READING OF THE ORDINANCE

EXECUTIVE SUMMARY

The proposed ordinance would establish a limitation on the use of powered gardening equipment in a residential neighborhood or within 500 feet of a residential unit except during the following hours:

- Monday – Friday: 8:00 AM – 7:00 PM
- Saturday, Sunday and Holidays: 9:00 AM – 5:00 PM

FISCAL IMPACT

None

BACKGROUND AND ANALYSIS

As discussed by the City Council earlier this year with the adoption of changes to the Construction Noise Ordinance, the City Council expressed interest in adding a limitation on gardening equipment. After a review of similar provisions in San Mateo County (see attached summary chart in Attachment B), staff is proposing the following hours when equipment can be used in a residential neighborhood or within 500 feet of residential unit:

- Monday – Friday: 8:00 AM – 7:00 PM
- Saturday, Sunday and Holidays: 9:00 AM – 5:00 PM

Many jurisdictions in San Mateo County do not have any restrictions for gardening equipment. Staff found the 8:00 AM start time used by several jurisdictions to be reasonable for weekdays. Staff is recommending a 7:00 PM end time for weekdays, which is more generous than some

jurisdictions. A 7:00 end time allows for a homeowner to conduct yardwork after work during the longer summer daylight hours. The proposed 9:00 AM to 5:00 PM hours are also more generous than some jurisdictions that restrict gardening equipment noise. However, it is felt that these hours will adequately serve to reduce noise in the early morning and evening hours.

It should be noted that the existing noise ordinance exempts Town related activities and the use of gardening equipment in cemeteries. Since cemetery maintenance activities tend to occur during normal business hours, they typically don't create an unusual disturbance for residents. Although not required, if approved by the City Council, staff will notify the Town's gardening contractor of the hours so that they can plan work earlier in the day away from residences.

Council Adopted Values

The recommendation is consistent with the Council value of *responsibility* because it proactively addresses noise exposure in residential neighborhoods.

Sustainability Impact

The amendment will improve the quality of life of residents by reducing noise exposure.

Alternatives

Staff has identified the following alternatives for the City Council:

1. Modify the staff recommendation. The Council may prefer to establish more or less restrictive gardening noise hours.
2. Do not introduce the ordinance. If the ordinance is not introduced and adopted, the use of noise generating gardening equipment would remain unrestricted.

Staff does not recommend the above alternatives since the proposed ordinance provides an appropriate level of regulation while still allowing ample hours to use noise generating gardening equipment.

CONCLUSION

Staff recommends the City Council introduce and adopt the ordinance.

ATTACHMENTS

- A. Ordinance
- B. San Mateo County Garden Equipment Noise Ordinance Comparison Chart

ORDINANCE NO. ____
OF THE CITY COUNCIL OF THE TOWN OF COLMA

**AN ORDINANCE ADDING COLMA MUNICIPAL CODE SECTION 2.05.030 RELATED TO
GARDENING EQUIPMENT NOISE LIMITATIONS**

The City Council of the Town of Colma does ordain as follows:

ARTICLE 1. CMC SECTION 2.05.030 ADDED.¹

Section 2.05.030 is added as follows:

2.05.030 Gardening Equipment Noise Limitation.

The use of mechanically powered non-construction gardening type equipment including but not limited to lawn mowers, weed whackers and leaf blowers are prohibited in a residential neighborhood or within 500 feet of a residential unit except during the following hours:

- Monday – Friday: 8:00 AM – 7:00 PM
- Saturday, Sunday and Holidays: 9:00 AM – 5:00 PM

[History: ORD. 732, 12/11/13; Ord. ###, date]

ARTICLE 2. SEVERABILITY.

Each of the provisions of this Ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE 3. NOT A CEQA PROJECT.

The City Council finds that adoption of this Ordinance is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

¹ Substantive changes have been identified as follows: New text has been underlined; revised text has been underlined, without showing the prior wording; and deleted text is shown with a strike-through line. Non-substantive changes, such as grammar and formatting are not identified. All markings will be removed from the final version that is adopted by the City Council.

ARTICLE 4. EFFECTIVE DATE.

This ordinance, or a summary thereof prepared by the City Attorney, shall be posted on the three (3) official bulletin boards of the Town of Colma within 15 days of its passage and is to take force and effect thirty (30) days after its passage.

Certificate of Adoption

I certify that the foregoing Ordinance No. ____ was duly introduced at a regular meeting of the City Council of the Town of Colma held on May ____, 2016 and duly adopted at a regular meeting of said City Council held on May ____, 2016 by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor					
Helen Fiscaro					
Raquel "Rae" Gonzalez					
Joseph Silva					
Joanne F. del Rosario					
<i>Voting Tally</i>					

Dated _____

Diana Colvin, Mayor

Attest: _____
Caitlin Corley, City Clerk

San Mateo County Garden Equipment Noise Ordinance Comparison Chart

<i>Jurisdiction</i>	<i>Permitted Noise Hours</i>	<i>Comments</i>
Burlingame	8am-5pm M-F; 9am-2pm Sat. & holidays, Sun 10am-2pm	Separate specific regulations regarding leaf blowers under and over 65dba, with special hours and days depending on location
Menlo Park	8am-5pm M-F; 11 am-3pm Sat, Prohibited Sun. and holidays	Only certified leaf blowers allowed (65dba). Ordinance does not apply to electric leaf blowers.
Hillsborough	9am-5pm M-F; 10am-5pm Sat, No discretionary noise Sun. or Holidays	Declining decibel standard. 100dba on weekdays, 70dba on weekends. No leafblowers on Saturday, Sunday or Holidays
Belmont	8am-7pm M-F; 10am-5pm Sat, Sun.	Powered equipment noise – non-construction
Palo Alto	9am-5pm M-F; 10am-4pm Sat, Not permitted on Sun. or Holidays	Only certified leaf blowers allowed (65dba).
San Carlos	8am-sunset M-F; 10am – sunset Sat.,Sun., Holidays	Powered gardening equipment

