



**AGENDA
REGULAR MEETING**

**City Council of the Town of Colma
Colma Town Hall
1198 El Camino Real
Colma, CA 94014**

**Wednesday, March 27, 2019
6:00 PM – CLOSED SESSION
7:00 PM – REGULAR SESSION**

CLOSED SESSION – 6:00 PM

1. In Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiators.

Agency Negotiators: Brian Dossey, City Manager
Pak Lin, Administrative Services Director
Austris Rungis, IEDA

Employee Organizations: Colma Peace Officers Association and Colma
Communications/Records Association

Unrepresented Employees: All

PLEDGE OF ALLEGIANCE AND ROLL CALL

REPORT FROM CLOSED SESSION

ADOPTION OF AGENDA

PRESENTATION

- Introduction of new Assistant Planner Brandon DeLucas
- Proclamation in honor of Women’s History Month
- Mayor’s Water Challenge

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

2. Motion to Accept the Minutes from the March 13, 2019 Regular Meeting.
3. Motion to Adopt an Ordinance Adding Section 6.01.78, Regarding Parking Space Markings/“One Space/One Vehicle,” to the Colma Municipal Code (second reading).

NEW BUSINESS

4. MINOR HOME REPAIR GRANT PROGRAM REPEAL

Consider: Motion to Adopt a Resolution Repealing Colma Administrative Code Subchapter 1.06, Relating to the Minor Home Repair Grant Program.

5. BROWN ACT UPDATE – PUBLIC MEETINGS/MEETING MANAGEMENT

Consider: Motion to Receive a Brown Act Update Presentation on New or Trending Legal Issues Regarding Public Meetings/Meeting Management.

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, 1198 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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1. In Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiators.

Agency Negotiators:	Brian Dossey, City Manager Pak Lin, Administrative Services Director Austris Rungis, IEDA
Employee Organizations:	Colma Peace Officers Association and Colma Communications/Records Association
Unrepresented Employees:	All

There is no staff report associated with this item.



**MINUTES
REGULAR MEETING**

City Council of the Town of Colma
Town Hall Council Chamber, 1198 El Camino Real
Colma, CA 94014

Wednesday, March 13, 2019

7:00 PM

CALL TO ORDER – 7:00 PM

Mayor Joanne F. del Rosario called the meeting back to order at 7:00 p.m.

Council Present –Mayor Joanne F. del Rosario, Vice Mayor John Irish Goodwin, Council Members Diana Colvin, Helen Fiscaro and Raquel Gonzalez were all present.

Staff Present – City Manager Brian Dossey, City Attorney Christopher Diaz, Police Chief Kirk Stratton, Administrative Services Director Pak Lin, Director of Public Works Brad Donohue, City Planner Michael Laughlin, and City Clerk Caitlin Corley were in attendance.

ADOPTION OF THE AGENDA

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

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario, Mayor	✓				
John Irish Goodwin	✓				
Diana Colvin	✓				
Helen Fiscaro	✓				
Raquel Gonzalez	✓				
	5	0			

PRESENTATIONS

- Doug Yakel gave a presentation on San Francisco International Airport's ongoing expansion and development.

PUBLIC COMMENTS

Mayor del Rosario opened the public comment period at 7:19 p.m. and seeing no one come forward to speak, she closed the public comment period.

CONSENT CALENDAR

1. Motion to Accept the Minutes from the February 27, 2019 Regular Meeting.
2. Motion to Accept the Minutes from the February 28, 2019 Special Meeting.
3. Motion to Accept Report of Check Paid for February 2019.
4. Motion to Adopt an Ordinance Authorizing Removal of Inconsistent Fees and Charges of the Colma Municipal Code as Set Forth in the Master Fee Schedule and Taking Other Actions Relating Thereto (second reading).

5. Motion to Adopt an Ordinance Amending Subchapter 2.08 to the Colma Municipal Code, Relating to Multi-Unit Smoking Control and Determining Such Action to be Categorically Exempt from Environmental Review, Pursuant to CEQA Guidelines 15061(b)(3) and 15308 (second reading).
6. Motion to Adopt a Resolution of the Town of Colma in Support of the Establishment of the Flood and Sea Level Resiliency Agency.
7. Motion Accepting the 2018 Annual Report on the Implementation of the General Plan, Including the Housing Element.

Action: Council Member Fiscaro moved to approve the Consent Calendar items #1 through 7; the motion was seconded by Vice Mayor Goodwin and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario, Mayor	✓				
John Irish Goodwin	✓				
Diana Colvin	✓				
Helen Fiscaro	✓				
Raquel Gonzalez	✓				
	5	0			

PUBLIC HEARING

8. PARKING CODE AMENDMENT AND ORDINANCE

Director of Public Works Brad Donohue presented the staff report. Mayor del Rosario opened the public hearing at 7:31 p.m. and seeing no one come forward to speak, she closed the public comment period.

Action: Council Member Gonzalez made a motion to Adopt a Resolution Amending Sections 4.2 and 6.2 of the Colma Parking Code Relating to the Stopping, Standing or Parking of Vehicles in Various Locations Within the Town of Colma; the motion was seconded by Council Member Colvin and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario, Mayor	✓				
John Irish Goodwin	✓				
Diana Colvin	✓				
Helen Fiscaro	✓				
Raquel Gonzalez	✓				
	5	0			

Action: Council Member Colvin made a motion to Introduce an Ordinance Adding Section 6.01.078, Parking Space Markings / "One Space/One Vehicle" to the Colma Municipal Code, and Waive a Further Reading of the Ordinance; the motion was seconded by Council Member Colvin and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario, Mayor	✓				
John Irish Goodwin	✓				
Diana Colvin	✓				
Helen Fiscaro	✓				
Raquel Gonzalez	✓				
	5	0			

NEW BUSINESS

9. HEART MEMBER AGENCY COMMITTEE APPOINTMENT

City Clerk Caitlin Corley presented the staff report. Mayor del Rosario opened the public hearing at 7:52 p.m. and seeing no one come forward to speak, she closed it.

Action: Council Member Fiscaro made a motion Confirming Designation of Vice Mayor John Goodwin to the HEART Member Agency Committee; the motion was seconded by Council Member Gonzalez and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario, Mayor	✓				
John Irish Goodwin	✓				
Diana Colvin	✓				
Helen Fiscaro	✓				
Raquel Gonzalez	✓				
	5	0			

8. FIVE YEAR CAPITAL IMPROVEMENT PROGRAM (CIP)

City Attorney Christopher Diaz stated that because Vice Mayor Goodwin has a potential conflict of interest regarding the Mission Road Bicycle and Pedestrian Improvement Program (903), he should recuse himself if the Council had any substantive discussion of the project.

City Manager Brian Dossey and Administrative Services Director Pak Lin presented the staff report. Mayor del Rosario opened the public comment period at 8:22 p.m. and seeing no one come forward to speak, she closed it.

Action: Council Member Fiscaro made a motion to Adopt a Resolution Approving the Capital Improvement Plan for Fiscal Years 2019-2024; the motion was seconded by Council Member Gonzalez and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario, Mayor	✓				
John Irish Goodwin	✓				
Diana Colvin	✓				
Helen Fiscaro	✓				
Raquel Gonzalez	✓				

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COUNCIL CALENDARING

The next Regular Meeting will be on Wednesday, March 27, 2019 at 7:00PM in the Town Hall Council Chamber.

REPORTS

Council Member Helen Fiscaro reported that the Historical Association Tea Fundraiser was very successful.

City Manager Brian Dossey gave a report on the following topics:

- There will be a Closed Session on March 27, 2019 at 6:00 p.m.
- The C.A.P.E. Program is moving forward; several residents will likely be CERT certified this spring.
- City Manager Brian Dossey will be on vacation from March 14 – 19, 2019.

ADJOURNMENT

Mayor del Rosario adjourned the meeting at 8:31 p.m.

Respectfully submitted,

Caitlin Corley
City Clerk

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

AN ORDINANCE ADDING SECTION 6.01.78, REGARDING PARKING SPACE MARKINGS/"ONE SPACE/ONE VEHICLE," TO THE COLMA MUNICIPAL CODE

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

ARTICLE 1. RECITALS.

In an effort to prevent long-term and overnight parking in certain commercial areas of the Town, and to provide adequate parking for local business employees and customers, Staff recommends that the City Council adopt this ordinance requiring that vehicles parked in public parking spaces are parked within the boundaries of the parking space, and that only one vehicle is parked in each space.

ARTICLE 2. INCORPORATION OF RECITALS.

The City Council hereby finds that the foregoing recital and the staff report presented herewith are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

ARTICLE 3. AMENDMENT TO CMC CHAPTER 6.01

Chapter 6.01 of the Colma Municipal Code is amended by adding new Section 6.01.78 to read as follows:

6.01.78 Parking Space Markings.

The city traffic engineer is authorized, on the basis of public necessity as determined by traffic engineers' studies, to allocate parking spaces upon the public streets, including spaces for cycles, scooters and compact cars, as well as regulation-length vehicles. When such parking-space marks have been placed on the streets, as authorized under this section, only one vehicle of the type designated for use of such space shall park therein, and no person shall park except within the boundaries of the space defined.

ARTICLE 4. SEVERABILITY.

If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Town Council of the Town of Colma hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase

I certify that the foregoing Ordinance No. ____ was introduced at a regular meeting of the City Council of the Town of Colma held on March 13, 2019, and duly adopted at a regular meeting of said City Council held on March 27, 2019 by the following vote:

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

Dated _____

Joanne F. del Rosario, Mayor

Attest:

Caitlin Corley, City Clerk





STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Christopher J. Diaz, City Attorney
 VIA: Brian Dossey, City Manager
 MEETING DATE: March 27, 2019
 SUBJECT: Minor Home Repair Grant Program Repeal

RECOMMENDATION

Staff recommends that the City Council adopt the following:

RESOLUTION REPEALING COLMA ADMINISTRATIVE CODE SUBCHAPTER 1.06,
 RELATING TO THE MINOR HOME REPAIR GRANT PROGRAM

EXECUTIVE SUMMARY

As part of the update to the Fee Schedule, the City Council directed staff to revise the Minor Home Repair Grant program. It has come to the attention of the Town Staff that funding the Grant Program may in some instances trigger requirements to pay prevailing wages, which could make the home repair projects economically infeasible or potentially subject the homeowners to penalties and fines. For this reason, Town Staff is recommending that the Minor Home Repair Grant program be repealed at this time, but staff may look at other creative ways in which the program could be resurrected in future years.

FISCAL IMPACT

Potentially no effect as the program has not been funded in recent years, but overall a net positive fiscal impact due to elimination of grant awards.

ANALYSIS

In 2002, the Town instituted a home repair grant program to encourage improvements to residential properties of very-low to median income households. After the initial couple of years, the program was not used or funded.

Staff has observed a significant increase in labor and construction costs in the past few years, and originally sought to restore the program. On December 12, 2018 the City Council provided direction to Town Staff to prepare amendments to the Minor Home Repair Grant Program in order to revive use of the Grant Program and expand its scope to help preserve existing housing stock, maintain the affordability of homes, and increase residential energy and water efficiency.

Providing public financial assistance to otherwise private projects triggers a requirement that prevailing wages be paid for any construction-related work on such projects. California Labor Code, Section 1720, requires the payment of prevailing wages for any *project* valued over \$1,000 "paid for in whole or in part out of public funds." This includes, among other things, direct payments of money, transfers of an asset for less than fair market price as well as reduced or waived fees and charges. Failure to pay prevailing wages can trigger back wages and interest, and penalties of up to \$200 per day for each worker paid less than the prevailing wage rate, among other penalties. While certain types of residential projects are exempt from the payment of prevailing wages, these exemptions do not appear to apply to the proposed grant program. Further, in order to confirm whether they do or do not apply would require a determination letter from the Department of Industrial Relations which can take an extended period of time to obtain. Even if a certain exemption was found to apply, there are other aspects of the program which will need modification to ensure strict compliance with the law.

Based on the above, Town staff is recommending that the program be repealed at this time, but staff may look at other creative ways in which the program could be resurrected in future years.

Council Adopted Values

The proposed resolution to repeal the home repair grant program is *responsible* since it avoids potential prevailing wage issues for private homeowners.

Alternatives

The City Council could choose not to adopt the resolution. However, this alternative is not recommended since the current grant program is not being used and has legal risk for homeowners.

CONCLUSION

Staff recommends that council adopt the resolution repealing the Minor Home Repair Grant Program.

ATTACHMENTS

- A. Resolution

RESOLUTION NO. 2019-__
OF THE CITY COUNCIL OF THE TOWN OF COLMA

**RESOLUTION REPEALING COLMA ADMINISTRATIVE CODE SUBCHAPTER 1.06,
RELATING TO THE MINOR HOME REPAIR GRANT PROGRAM**

The City Council of the Town of Colma does resolve as follows.

1. Background

- (a) In October 2002, the City Council created the Minor Home Repair Grant Program, but after the initial few years the program was not used or funded;
- (b) As part of a study session on potential increases to building and permit fees, on December 12, 2018 the City Council provided direction to Town Staff to prepare amendments to the Minor Home Repair Grant Program in order to revive use of the Grant Program and help preserve existing housing stock, maintain the affordability of homes, and increase residential energy and water efficiency;
- (c) It has come to the attention of the Town that funding the Grant Program may in some instances trigger requirements to pay prevailing wages, which could make the home repair projects economically infeasible and/or potentially subject the homeowners to penalties and fines; and
- (d) Therefore, Town staff is recommending that the City Council repeal the Minor Home Repair Grant Program at this time, but staff may look at other creative ways in which the program could be resurrected in future years.

ARTICLE 1. CAC SUBCHAPTER 1.06 REPEALED.

The City Council of the Town of Colma hereby repeals and reserves Subchapter Six entitled "Minor Home Repair Grant Program" of Colma Administrative Code, Chapter 1.

Subchapter Six: RESERVED ~~Minor Home Repair Grant Program~~

~~1.06.010 Scope:~~

- ~~(a) The Town of Colma Minor Housing Repair Grant Program has been developed in response to the need for the conservation of affordable housing, especially in the older and basically sound residential neighborhoods of the Town. It is the intention of this program to provide grants for repairs to substandard homes for very low, low, and moderate income families within the city limits.~~
- ~~(b) The goals of the Grant Program are to:~~
- ~~(1) Improve and preserve the community's housing supply of Very Low, Low and Below Median Income Housing available at affordable housing costs; and~~

- (2) Offer options to property owners for improving their property within their means.

~~1.06.020 Grants.~~

~~The Town shall pay up to \$1,000 per dwelling to each eligible applicant for eligible work performed under these Guidelines. The grant does not have to be re-paid to the Town if it is used in the manner authorized.~~

~~1.06.030 Eligible Households.~~

~~The applicant must have lived in the Town of Colma continuously for at least 90 days prior to the date of the application to the completion of the work, the applicant must own the property upon which the work or improvement will be performed, and the current, adjusted gross income of the household must be less than the current income level for median income households in the County of San Mateo.~~

~~1.06.040 Eligible Properties.~~

~~The dwelling must be located within the city limits of the Town of Colma, the area must be zoned for residential use, and the dwelling must be owner-occupied.~~

~~1.06.050 Eligible Work.~~

The following types of work are eligible for grant funding:

(a) ~~Exterior work that will better the neighborhood and which may be installed without a building permit, such as exterior painting; landscaping of the front yard; and installation or repair of fences, walkways, driveways, and retaining walls less than 4' high;~~

(b) ~~Repairs or rehabilitation that will conserve energy or other natural resources, such as installation or replacement of:~~

- (1) ~~Ceiling or wall insulation, warped or inoperative windows, dual pane windows, and weatherproofing around doors and windows;~~
- (2) ~~Energy efficient, installed appliances;~~

(c) ~~Betterment of the essential elements of a dwelling unit, such as:~~

- (1) ~~New roofs and gutters;~~
- (2) ~~Kitchens or bathrooms; and~~
- (3) ~~Interior painting;~~

(d) ~~Providing handicap access to the dwelling;~~

(e) ~~Removal or mitigation of health and safety hazards, such as:~~

- (1) ~~Installation of fire walls between de facto dwelling units;~~

- (2) ~~Structural repair or replacement, such as foundation or termite work;~~
- (3) ~~Repair or replacement of walkways or porches that present a "trip and fall" hazard;~~
- (4) ~~Drainage work;~~
- (5) ~~Sewer work; and~~
- (6) ~~Replacement of unsafe security bars and gates.~~

~~1.06.060 Retroactive Date.~~

~~An improvement shall be eligible for a grant if construction of the work began on or after September 13, 2002.~~

~~1.06.070 Full or Part Payment.~~

~~Grants may be used to pay all or any part of any eligible work.~~

~~1.06.080 Process.~~

~~(a) — The City Manager shall designate a Housing Coordinator who shall be responsible for processing applications and coordinating all other staff responsibilities in connection with the Minor Housing Grant program. The City Manager shall be and hereby is authorized to establish rules and regulations reasonably necessary to implement the Minor Housing Repair Grant Program and is authorized to expend funds to implement the program, provided that the expenditures of funds are within the budget set by the City Council.~~

~~(b) — All grant payments shall be made directly to the contractor performing the work or the vendor furnishing the materials for the home repairs. The homeowner shall be responsible for all costs and expenses over and above the grant awarded by the Town.~~

ARTICLE 2. CEQA EXEMPTION.

The City Council finds that the amendments described in this Resolution are exempt under Section 15061(b)(3) and Section 15061(b)(4) of the California Environmental Quality Act ("CEQA") Guidelines, as an activity covered by the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment, and covered by the rule that CEQA does not apply to a project that will be rejected or disapproved. The proposed grant program is being repealed and discontinued at this time.

ARTICLE 3. EFFECTIVE DATE.

This resolution shall take effect immediately upon adoption.

Certification of Adoption

I certify that the foregoing Resolution No. 2019-__ was duly adopted at a regular meeting of the City Council of the Town of Colma held on March 27 2019, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario, Mayor					
John Irish Goodwin					
Diana Colvin					
Helen Fisicaro					
Raquel Gonzalez					
<i>Voting Tally</i>					

Dated _____

Joanne F. del Rosario, Mayor

Attest: _____
Caitlin Corley, City Clerk



STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Christopher J. Diaz, City Attorney
 VIA: Brian Dossey, City Manager
 MEETING DATE: March 27, 2019
 SUBJECT: Brown Act Update – Public Meetings/Meeting Management

RECOMMENDATION

Staff recommends that the City Council:

RECEIVE A BROWN ACT UPDATE PRESENTATION ON NEW OR TRENDING LEGAL ISSUES REGARDING PUBLIC MEETINGS/MEETING MANAGEMENT

EXECUTIVE SUMMARY

The City Council receives ethics training every two years pursuant to previous Assembly Bill 1234 now codified at Government Code Section 53234, *et seq.* This training includes Brown Act training. However, as a good refresher, the City Attorney is recommending an update on new or trending legal issues regarding public meetings and meeting management.

FISCAL IMPACT

None.

ANALYSIS

As noted above, although the City Council undergoes ethics training every two years, which includes a component on the Brown Act, Town staff is recommending that the City Council receive a Brown Act update on new or trending legal issues regarding public meetings and meeting management. Topics for this presentation will generally include the following:

- Time That Must be Allotted for Public Speakers Using a Translator
- Limiting Time for Public Comment
- Due Process Compliance for Quasi-Judicial Decisions versus Legislative Decisions
- Best Practices to Staying On-Topic
- Requesting Future Council Items and Legal Parameters

- Meeting Disruptions
- New Requirements for Agendas and the Town Website
- Teleconferencing

Council Adopted Values

Receiving the presentation embodies the Council values of *fairness* and *responsibility* as understanding the Brown Act will ensure that we are applying the law fairly and responsibly with accurate knowledge.

Sustainability Impact

None.

Alternatives

The City Council could choose not to receive the presentation. Doing so is not recommended, however, as receiving the update will ensure the Council is refreshed on Brown Act principles applicable to public meetings and meeting management.

CONCLUSION

The City Council should receive the presentation.