

## MINUTES

City Council Regular Meeting  
2212 Beach Boulevard  
Pacifica, CA 94044

January 8, 2007

Mayor DeJarnatt called the meeting to order at 5:00 p.m., stating that all councilmembers were present and announced that the Council would meet in Closed Session. City Attorney Quick announced the business to be discussed:

1. In accordance with Government Code Section 54957. Public Employee Appointment: City Manager Appointment.
2. In accordance with Government Code Section 54956.8. Conference with real property negotiator. Discussion concerns price and terms of payment. Agency negotiator attending session: William C. Norton. Property: 43 Birch Lane (APN: 016-294-520). Negotiating parties: City of Pacifica and Public Administrator, County of San Mateo.
3. In accordance with Government Code Section 54956.8. Conference with real property negotiator. Discussion concerns price and terms of payment. Agency negotiator attending session: William C. Norton. Property: 2212 Beach Boulevard, Pacifica. Negotiating parties: City of Pacifica and Kiwi Properties, LLC; Marchetti/Sochin and Skyfield USA.

Mayor DeJarnatt called the meeting to order at 7:10 p.m.

Present: Councilmembers: Digre, Lancelle, Hinton, Vreeland, and DeJarnatt.  
Excused: Councilmembers: None.

Staff Present: William C. Norton, Interim City Manager; Cecilia Quick, City Attorney; Maureen Lennon, Finance Director; Ann Ritzma, Human Resources Director; Scott Holmes, Public Works Director; Mari Brumm-Merrill, PB&R Director; Jim Saunders, Police Chief; Kathy O'Connell, City Clerk.

Councilmember Lancelle led the Salute to the Flag.

Commission Liaison: None.  
Chamber Liaison: None.

### **CLOSED SESSION:**

None.

Mayor DeJarnatt welcomed William Norton, the new Interim City Manager.

### **CONSENT CALENDAR:**

Mayor pro Tem Vreeland moved approval of the Consent Calendar, as amended, as follows: Approval of disbursements dated 12/05/06 to 01/03/07 in the amount of \$2,378,289.57, regular and quick checks numbered 81585, 81587 to 81589 and 114254 to 114674, as set forth in Item #1; Approval of Minutes of regular City Council meeting of December 11, 2006 and Special City

Council meeting of December 19, 2006, as set forth in Item #2; Adoption of Resolution Amending the Conflict of Interest Code, as set forth in Item #3; Amendment to Agreement with Claims Management Service for Workers Compensation Claims Administration, as set forth in Item #4; Memorandum of Understanding with Teamsters Local 856 Representing City of Pacifica Battalion Chiefs from August 1, 2006 through June 30, 2007, as set forth in Item #5, was withdrawn from the agenda; Side Letter of Memorandum of Understanding with Department Directors Unit, Teamsters 350, as set forth in Item #6; Amendment to PARS (Public Agency Retirement Services) Agreement for the Implementation of the Excess Benefit Plan under the City of Pacifica PARS Retirement Enhancement Plan (REP), as set forth in Item #7; seconded by Councilmember Lancelle.

Councilmember Hinton had a correction on page 2, first paragraph under Council Communications, changing "Supervisor Mullin" to "Assemblyman Mullin."

**ROLL CALL VOTE:**

Ayes: Councilmembers: Digre, Lancelle, Hinton, Vreeland, and DeJarnatt.

Noes: Councilmembers: None.

**Motion carried: 5-0.**

**SPECIAL PRESENTATION:**

Ms. Sue Buske, consultant from the Buske Group, made a presentation to update the Council on what was going on with the Comcast franchise renewal, as well as what was going on with the telecommunications policy arena regarding state legislation, AB 2987 (the state cable bill) and the recent action by the FCC.

Mayor DeJarnatt stated that it was a very thorough presentation, then asked if there were any questions.

Councilmember Lancelle stated that she didn't have any questions, but thanked Ms. Buske for the thorough analysis of the chaotic landscape regarding the telecom legislation in the midst of their negotiations with Comcast.

Councilmember Digre marveled at how she had it all together. She felt the Council made a good investment and she liked her suggestions as well.

Mayor DeJarnatt agreed that it was in good hands and he appreciated her thorough presentation. He also stated that they would look forward to updates in the future as appropriate.

Kathleen Manning, co-president of the Pacifica Historical Society, was pleased to see the Historical Society's throw on the Council Chamber walls. She then explained that they were present to update the Council on what the Historical Society and other groups were planning for the City's 50<sup>th</sup> anniversary celebrations, giving a brief overview. Frank Winston then elaborated on some specific events that would be coming up during the course of the year, beginning with the opening event on Valentine's Day with preparation of time capsules for both 1957 and 2007.

Mayor DeJarnatt appreciated the information and thanked them both for speaking.

Councilmember Lancelle asked if the Council could contribute Council agendas from 1957.

Mayor DeJarnatt stated that they didn't exist anymore.

Councilmember Lancelle suggested that they might find them in the newspapers.

Mayor DeJarnatt stated that they could find something, but the agendas didn't exist.

Councilmember Lancelle again mentioned that there might be portions in old *Tribune* issues.

Mayor DeJarnatt again stated that they would do something.

### **COUNCIL COMMUNICATIONS:**

Councilmember Hinton stated that there was a time capsule in the Portola Room from the old fire station, which predates the City. He reported that there was a committee in the process of developing a program and banquet which would probably be a week or two weeks before the actual date. He then mentioned that the Council planned to have a public meeting on January 20 to get input from the residents on what they would like to see in a new City Manager.

Councilmember Lancelle mentioned that the Historical Society throw looked great on the wall. She suggested that they get a card with contact information, including the price, to put next to it. She mentioned that there was an upcoming West Sharp Park Advisory Committee meeting on January 18, and added that the Chamber Awards Dinner was that same night. She suggested talking to the Committee about changing their meeting night for this month. She stated that she served on the Devil's Slide Aesthetics Committee with Councilmember Vreeland and today's meeting was in Pacifica, which included a tour of the Devil's Slide project. She mentioned that Caltrans was coming to the next Council meeting for a brief presentation. She also attended the fundraiser by the Rob Schneider Foundation on the previous Saturday, expressing appreciation for the support from the foundation for the band program in the elementary schools. She mentioned that she attended a very nice event at Nick's, put on by the group planning the new development on the site. She commented on the Fairmont Subdivision Improvement Association's concerns about the noise monitor, and stated that the City Attorney assured her it was very close to being installed. She attended the Emergency Preparedness Committee meeting in December.

Councilmember Digre thanked Frank Winston and Kathleen Manning for what they were doing for the 50<sup>th</sup> anniversary. She encouraged everyone, including the young people, to be involved in the plans. She then mentioned a few groups who were involved in various kinds of fundraisers, specifically the Rotary, Library Foundation, American Legion, Military Moms. She then briefly mentioned the new Downs Syndrome Clinic at Stanford.

Mayor pro Tem Vreeland stated that the City and County of San Francisco was moving ahead on the cleanup of the old rifle range. He talked with Dean Peterson, head of the County Health Department, and they were in agreement and had written a letter requesting that the DTSC (Department of Toxics Substances Control) have the state come to one of the meetings. He thought they should send another letter to the director in Sacramento because they were probably not doing as full a cleanup as he thought was necessary. He mentioned the possibility of working with San Francisco to turn it into a world class sports field. He asked that staff follow up on this. He thanked the Historical Society for their presentation, adding that he would like an agenda item to get input from the Council on an action item, adding that he hoped the Society was reaching out to the original founders of the City. He had received a calendar from HIP Housing, which held a picture drawn by a child in Pacifica. He also thanked Mr. Norton for agreeing to

work with the City for a few months and bringing a fresh set of eyes as they wrestled with some of the issues.

Mayor DeJarnatt stated that he had an update on North Pacifica LLC, mentioning that a judge had awarded Pacifica \$47,000 in court costs and fees against North Pacifica who had refused to pay the fees. He stated that the City has consequently filed liens against North Pacifica in three counties where it was believed they owned property.

Councilmember Digre clarified that North Pacifica didn't have anything to do with the residents in North Pacifica.

### **ORAL COMMUNICATIONS**

Mayor DeJarnatt opened Oral Communications.

**Clark Natwick, 1108 Valencia Way**, stated that he was present to announce the 10<sup>th</sup> annual planting at the beach, January 20. He mentioned that staff had been informed and they were planning to commemorate the occasion with a t-shirt. They planned to put 1000 plants in at the beach.

Councilmember Lancelle loved the event, and wondered if they could put off the meeting to the afternoon.

Mayor DeJarnatt stated that they could not discuss that at this point but suggested they might put a notice in the *Tribune* announcing the time, as well as posting it at City Hall. He had no problem moving the meeting back to 1:00 p.m.

**Lois Marshall-Ward, 318 Reichling Avenue**, stated she was from HIP Housing and encouraged any low income individuals to call them about their housing needs. She was at this meeting to present their 2007 HIP Housing calendar. She stated that over 450 children submitted drawings; and the committee picked out the 12 winners to be in the calendar, including one child from Pacifica. She then read a quote from the July drawing.

**Brock Hitz, 123 Kent Court**, stated he was representing the Pacifica Library Foundation. He congratulated the reelected City Councilmembers and welcomed the interim City Manager. He then stated that he had a copy of the *San Francisco Chronicle* article on the libraries which opened in San Mateo, Burlingame and Hercules and read a brief quote, stating that it was the Foundation's goal to produce the best library services possible. The Foundation had asked individuals in Pacifica about what services would best benefit the City, and they were prepared to share that information with the Council and residents in the near future and present the subsequent conclusions at the next Council meeting.

**Jim Wagner, Park Pacifica**, stated that they had submitted a request for public records on any inspections of pest, mold, property, structure and foundation made on the City Hall building or any articles written, as well as any quotes for repair costs on any of those areas. He stated that they had gotten replies from several departments stating that there were no reports. He referred to statements made by various staff that they needed to get out of City Hall, and he thought it was only good business to do some due diligence before making any decisions in order to determine the best course of action.

**David Welgert, 1131 Rosita Road**, asked the Council about the best way to contact them about any concerns, specifically mentioning a neighbor's truck being stolen from his driveway. He and his family had always felt secure in Pacifica but he now felt this was changing. He mentioned other illegal acts in December, adding that the police department needed additional funding to provide coverage and protection for the City's citizens, and requested that they look at areas in Pacifica available for development to increase income to the City.

Mayor DeJarnatt stated that the Council's phone numbers were printed in the front page of the *Tribune* every week, but he could always call City Hall for their home phone numbers.

Mr. Welgert asked if he preferred a call to e-mail.

Mayor DeJarnatt said that he wasn't using his e-mail but he was happy to have him call him at home.

Councilmember Hinton stated that his number had been listed for 54 years.

**Kathy Meeh, 1276 Alicante Drive**, congratulated the reelected Councilmembers. She was impressed that the search for a City Manager would be national and that there would be citizen input. She did hope that the structural problems would be handled, and that the City would progress and grow. She commented on the search for a Planning Commissioner, suggesting that they choose wisely.

Mayor DeJarnatt stated that they would be interviewing Planning Commission applicants.

City Clerk O'Connell stated that the deadline for applications was January 26.

Mayor DeJarnatt stated that they had quite a few applicants, but he encouraged anyone interested to apply.

**Matt Farley, Lerida Drive**, stated that he was addressing the estimates for construction costs to renovate the Chamber building as a new City Hall. He was concerned about several things, addressing two of them, specifically the cost of lifts and concrete. He stated that he would like to see three outside bids on this type of structure to ensure getting the best deal for the City. He then commented briefly on the cleanup on the rifle range, stating that he was a member of the archery range and he would hate to see some sports complex going in that would affect the archery range.

Mayor DeJarnatt closed Oral Communications.

#### **PUBLIC HEARINGS:**

None.

#### **CONSIDERATION**

#### **8. An Ordinance Amending Chapter 2 of Title 2 of the Pacifica Municipal Code Section 2-2.105, Article 1, Membership: Terms and Limitations for Commissioners.**

PB&R Director Brumm-Merrill presented the staff report.

There were no public comments.

Mayor pro Tem Vreeland felt that, if people were involved on a Commission and wanted to continue, the Council should be flexible about that.

Mayor pro Tem Vreeland moved that the ordinance next in order entitled "An Ordinance of the City Council of the City of Pacifica Amending Chapter 2 of Title 2, Section 2-2.105 of the Pacifica Municipal Code Regarding Terms and Limitations for Commissions" be read by title only and that further reading be waived; seconded by Councilmember Lancelle.

Councilmember Hinton stated that he thought they were referring to Bruce Banco, who was an excellent Commissioner. He was pleased that Mr. Banco took the job and was also pleased with what he had done, but he felt that there were too many circumstances where people got entrenched and were not as viable as they could be but the Council had no mechanism other than direct dismissal to limit their terms. He didn't feel that an indefinite term on any Commission was good for the City and they would be painting themselves into a corner. He added that the City Council was subject to four-year term limits, which he thought was a good thing. He stated that he wasn't going to vote for this on general principles, having nothing to do with Bruce Banco.

Councilmember Lancelle stated that she had interpreted it differently than Councilmember Hinton. She thought the City Council had the option to reappoint every four years, and it wouldn't be an indefinite term. She didn't think they painted themselves into a corner on this.

Mayor pro Tem Vreeland agreed with Councilmember Lancelle that it didn't take anything away but actually gave the Council the flexibility to honor those who wanted to continue to serve and were doing it admirably.

Councilmember Hinton agreed that it was true, but felt it was sometimes difficult to terminate a Commissioner who had been there a while. He thought the four-year term was renewable, but he thought it was a good idea to get a fresh look at all possibilities. He stated that he felt badly about Bruce Banco being the subject of this item, because he was the exception to the rule.

Mayor DeJarnatt acknowledged where everyone stood on this item.

**ROLL CALL VOTE:**

Ayes: Councilmembers: Digre, Lancelle, Vreeland, and DeJarnatt.

Noes: Councilmembers: Hinton.

**Motion passed: 4-1.**

Mayor pro Tem Vreeland moved introduction of the ordinance; seconded by Councilmember Lancelle.

**ROLL CALL VOTE:**

Ayes: Councilmembers: Digre, Lancelle, Vreeland, and DeJarnatt.

Noes: Councilmembers: Hinton.

**Motion passed: 4-1.**

**9. Resolution Creating an Administrative Policy for Implementation of the Fireworks Ordinance.**

Finance Director Lennon presented the staff report.

Mayor DeJarnatt appreciated Finance Director Lennon's efforts.

Councilmember Digre asked if it was appropriate to give a brief description of how smaller groups were not left out.

Finance Director Lennon explained that any group already on the list would be on one list, and new people were going on a second list. They would be encouraging them to hook up with another established group. Then, as some groups drop off, they would move up.

Councilmember Lancelle clarified that, if there was a new group interested, they could go on the list and possibly hook up with an existing group and, ultimately, if a group dropped off, they would be able to go onto the list.

Finance Director Lennon responded that she was correct.

Councilmember Lancelle stated that the ordinance wasn't clear to her.

Finance Director Lennon stated that the goal was to get the list down to 30, but even cutting it to 30, they would still have people dropping off and allowing them to bring new ones into the list.

There were no public comments.

Councilmember Hinton mentioned that he was concerned because larger organizations had several divisions which allowed them to get a permit each year and some other organizations felt they weren't treated fairly. He felt the meeting exacerbated the situation by automatically including three organizations which were guaranteed a position on the list with the ability to sell fireworks, one specifically being Terra Nova High School. He felt they were giving a monopoly to two larger agencies. He stated that he supported Terra Nova and Oceana high schools and the American Legion for their efforts, but he felt it was more equitable for a non-profit organization to be able to apply on a rotating basis. He felt the three organizations should compete on an equitable basis, get in line and take their turn and then go to the back of the line. He added that the smaller agencies had just as great a need as the larger organizations. He didn't see any point in grandfathering any organizations and felt that this was less equitable than the previous system. He thought they had very little input from other organizations, but the major agencies were at the meeting in force.

Finance Director Lennon stated that 35 groups were represented at the meeting, and they had recommended that the schools get it every year. She had gotten the impression that they felt strongly the two high schools should get a shot at it every year.

Councilmember Lancelle appreciated clarification on that point. She had read the description of the meeting, and she felt that was what stood out to her that the decision to provide consistent involvement of the high schools was agreed on by all the groups. She thought there was community involvement and agreement, and she didn't believe it was a monopoly or that anyone was being shunned.

Finance Director Lennon stated that everyone who ever applied for a permit was invited to the meeting, and after the meeting, a summary of what was said and decided was sent to everyone, whether they were there or not, and they were asked to give feedback.

Councilmember Lancelle clarified that there was still a way for new groups to persevere through the process.

Councilmember Hinton stated that he related it to builders meeting and revising the building code or planning code to suit their purposes. He again didn't feel that, because of a number of divisions allowing them to get a permit each year, they should be given an automatic monopoly on four permits and, thereby, preclude others from getting a permit. He acknowledged that all children went through the high school, but he felt the scouting programs and other programs needed the funding to allow the children to get involved in their earlier more formative years. He reiterated that he didn't feel it was fair to have a monopoly, acknowledging that his position would not be a popular one.

Mayor pro Tem Vreeland asked, if three new groups wanted to come in and partner, if they could be part of the process.

Finance Director Lennon stated that they cut down from 51 groups to 36, and those that were cut down partnered into the remaining 36. She stated that there were many smaller groups that needed assistance and someone to partner with them, and that was how they were encouraging them to go.

Mayor pro Tem Vreeland reiterated that no one was being precluded, but were given an access they didn't have before.

Finance Director Lennon stated that he was correct.

Mayor pro Tem Vreeland acknowledged that this was a very interesting issue for the City to deal with, with the fact that the groups got together and decided among themselves and that the present audience was basically bare. He thought, if it wasn't a good decision, there would have been 50 people present. He commended the Finance Director for working through this, because it could have turned into a huge deal. He then stated that this wasn't carved in stone. If they got feedback on this, he thought they could revisit the issue. He thought this was a fine way to move forward with what could have been a sticky situation.

Mayor pro Tem Vreeland moved to adopt a Resolution creating an administrative policy for implementation of the fireworks ordinance; seconded by Councilmember Lancelle.

Councilmember Hinton stated that it was initially an effort to make it fair and equitable, but instead they gave a monopoly to the larger groups. He thought the program worked fairly well, and the high school took advantage of it by several subgroups taking all the permits and he didn't think this was equitable. He felt that there were a lot of small groups forced to bundle. He thought, if three cub packs were allowed to apply, they would have a better chance of getting a permit and then they could join each other. He stated that he couldn't support this issue. He felt it was locked up for three organizations, although he clarified that it wasn't that he didn't support those organizations.

Councilmember Lancelle stated that Councilmember Hinton was repeating himself.



Councilmember Hinton acknowledged that he was repeating himself, but he thought it deserved repeating. He realized that the vote was against him but he wanted to make his point and he was going to do it.

**ROLL CALL VOTE:**

Ayes: Councilmembers: Digre, Lancelle, Vreeland, and DeJarnatt.

Noes: Councilmembers: Hinton.

**Motion passed: 4-1.**

Mayor DeJarnatt adjourned the meeting at 9:05 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 5-0; 1/22/07

  
\_\_\_\_\_  
Pete DeJarnatt, Mayor