MINUTES

City Council Regular Meeting 2212 Beach Boulevard Pacifica, CA 94044 January 26, 2009

Mayor Lancelle called the meeting to order at 6:00 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:

PURSUANT TO GOVERNMENT CODE SECTION 54956.8: Conference with real property negotiator. Discussion concerns price and terms of payment. Agency negotiator attending session: Stephen Rhodes. Property: 1220 Linda Mar Blvd., Pacifica, California. Negotiation parties: City of Pacifica and Art Guild of Pacifica. Property: 009-531-290; 009-042-370; Pacifica, California. Negotiating Parties: City of Pacifica and State of California.

Mayor Lancelle called the meeting to order at 7:03 p.m.

Present: Councilmembers: Vreeland, Nihart, DeJarnatt, Digre, and Lancelle.

Excused: Councilmembers: None.

Staff Present: Steve Rhodes, City Manager; Cecilia Quick, City Attorney; Michael Crabtree,

Planning Director; Van Ocampo, Deputy Director Public Works/City Engineer; Jim Saunders, Police Chief; Dave Bertini, Police Captain; Rich Johnson, Deputy Fire Marshall; Ray Donquines, Assistant Engineer; Kathy O'Connell, City Clerk.

Mayor Lancelle led the Salute to the Flag.

Commission Liaison: Open Space Committee Member Chuck Evans.

Chamber Liaison: None.

CLOSED SESSION:

None.

CONSENT CALENDAR:

Councilmember DeJarnatt moved approval of the Consent Calendar, as amended, as follows: Approval of disbursements dated 10/30/08 to 12/19/08 in the amount of \$932,434.75, regular and quick checks numbered 81780, 81783, 81787 to 81789, 81791 to 81794 and 2222 to 2430, as set forth in Item #1; Approval of Minutes of regular City Council meeting of January 12, 2009, as set forth in Item #2; Adoption of Notice of Completion for the Palmetto Avenue Pavement Rehabilitation Project Phase II; seconded by Councilmember Nihart.

Councilmember Vreeland stated that he would be abstaining from voting on the minutes.

Mayor Lancelle stated that, on page 6, the word "with" should be deleted from "... standard with 5,000 sq. foot lots."

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion carried: 5-0.

SPECIAL PRESENTATION:

Marilyn St. Germaine-Hall of the Rotary Club gave a brief explanation of the goal of the Rotary Club, and specifically mentioned many of the donations made by the club to different groups in the City and beyond, including dictionaries to third graders. She invited anyone interested in joining to attend their weekly breakfasts at the Sharp Park Restaurant. She then explained that they were present in response to a woman who had written to the *Pacifica Tribune* and expressed the need for changing tables in the Community Center. In response, the Rotary Club had purchased them and was presenting the tables which would be installed as soon as possible for the future citizens of Pacifica.

Mayor pro Tem Digre expressed the importance of third grade students having their own dictionary in the classroom, and stated that she was impressed by the Rotary Club's donation of dictionaries to the students.

Ms. St. Germaine-Hall responded that they had gotten beautiful letters from the students, and some would be published in the *Tribune*.

Councilmember Nihart expressed how great it was to have an organization take on a community-based problem and solve it and thanked them.

Ms. St. Germaine-Hall again mentioned that she hoped people would join them for their breakfasts at the Sharp Park Restaurant.

Mayor Lancelle reminded everyone that the Sharp Park Restaurant was at the Sharp Park Golf Course. She felt they were fortunate to have the Rotary Club in our community.

Councilmember Vreeland mentioned the importance of being able to have a place to change diapers. He referred to some of their projects, and stated that we were a better community for that.

PUBLIC HEARINGS:

None.

COUNCIL COMMUNICATIONS:

Mayor pro Tem Digre stated that she attended the County Office of Emergency Services and mentioned their interest in using Moffitt Field as a staging area for "a big one" which she assumes would be an earthquake, as well as a training area and research area. She stated that it had a hefty price tag, and they were beginning to approach the various counties, but she thought Pacifica should begin to look at it. She stated that they also had the commissioning of new youth commissioners, giving some details on what was available for youth. She mentioned some upcoming meetings, specifically on Fire Assessment fees and possible retail taxes. She thanked Mayor Lancelle for walking Palmetto and informing them on the public meeting on the streetscape.

Councilmember Nihart stated that she attended the League of Cities Institute for new councilmembers and mayors and thought it was incredible, mentioning some of the ideas that she looks forward to implementing.

Councilmember DeJarnatt mentioned the dates for the Pacifica School Volunteers Read-Aloud, March 6 in a.m. at Ortega, March 27 in a.m. at Sunset Ridge, for anyone interested in participating.

Mayor Lancelle congratulated Mike Perez as the new Parks, Beaches and Recreation Director, replacing Mari Brumm-Merrill. She attended Pacifica's emergency preparedness and safety commission meeting and informed everyone about a community emergency response team training to be held in Pacifica. She encouraged everyone to sign up for the training. She mentioned the Chamber of Commerce awards dinner on Thursday. She mentioned the presentation on the plan for the streetscape for Palmetto, and she encouraged everyone to attend. She thanked Pacifica Democrats for the opportunity to speak before them and stated that she found it very productive. She mentioned that Jean Brink had retired from the Jefferson Union High School Board, and asked the City Clerk to have that on the next agenda.

Mayor Lancelle offered the opportunity for the Public Works Director to address the Council regarding the issue of the bluff top issue.

Councilmember Vreeland asked whether they needed to hear from the public first before they ask questions.

City Attorney Quick stated that, according to the Brown Act, a Councilmember, on his own initiative or responding to questions posed by the public, may ask for clarification, make a brief announcement or make a brief report. She stated that they could ask staff to make a brief report now or wait until they heard a couple of questions posed by the public.

Mayor Lancelle thought it would be of benefit for the public to hear the "lay of the land" and, if they have questions, regarding what was said, they would have the opportunity to raise them when they make their comments.

City Attorney Quick stated that there could be no discussion on what the Public Works Director says in his presentation because it was not on the agenda. She added that the public could contact him or other staff during the next day's working hours to ask questions.

Councilmember Vreeland suggested that they hear a few comments and then the Public Works Director could respond to some of the concerns, even though there was no dialogue.

Mayor Lancelle stated she had the same thought that, with only one opportunity to speak, it might be better after the questions from the public.

ORAL COMMUNICATIONS

Mayor Lancelle opened Oral Communications.

Joan Weideman, 285 Juanita Avenue, stated that she was on the Pacifica School District Board and was present to thank the Council for their support in the school district's efforts to mitigate the Lehman Brothers losses by writing letters to our representatives. She gave some details on what had happened regarding our representatives fighting for the county and schools with

legislation. She encouraged the public to continue writing letters because by expressing our voices we can make some forward moves.

Mayor Lancelle thanked the School Board for their efforts on behalf of the children in the community, adding that the Council was happy to do its part.

Ron Davis, 320 Esplanade, stated that he was addressing his concerns because it was unnerving to be living there.

Mayor Lancelle hoped he would get some of his questions answered. If not, they had his number and there were numbers that he could call.

Deirdre Finnegan, 320 Esplanade, stated that she was new to Pacifica and was impressed with the sense of community. She stated that she also lived close to the bluff and was in the news because she was the closest to the ocean. She mentioned that they spent a lot of time getting the Coastal Commission to approve this, and she found it hard to believe that the City was having a hard time working with the Coastal Commission. She hoped they could work together and find a place for the equipment.

Mayor Lancelle thanked her and hoped they could get it resolved as soon as possible.

Irene Cook, 310 Esplanade, stated that she was present for the same reason. She felt Ms. Finnegan said it very well, adding that they were all concerned about the cliff. She felt that, if this wasn't corrected now, there wouldn't be a Manor Shopping Center. She was asking the City to grant access to bring the rocks in. She mentioned all the work and anxiety, adding that with two more storms the whole thing would go. She stated that they were scared for their lives.

Joan Levin, 100 Palmetto Avenue, stated that six months ago she saw ten feet fall into the ocean. She stated that she had pictures which she could pass around.

Mayor Lancelle stated that they did have copies.

Ms. Levin stated that they were the most recent, adding that 17 feet went into the ocean. She felt it was apparent that something had to be done. She stated that her historical building and the apartment complex needed to be protected. She couldn't believe that the City would not grant access onto the beach for this repair. She hoped that they would consider this a serious matter and agree that they must have access very soon.

Mayor Lancelle mentioned receiving a call from Kathleen Manning of the Historical Society, and stated that her site was so significant.

Ms. Levin thanked her, adding that hers was not in jeopardy yet, but parts of the apartment complex to the south were. She didn't believe it when she heard there was trouble brewing.

Mayor Lancelle felt that things would be clearer when the Public Works Director shared information. She stated that they were supportive in helping to alleviate the situation.

Ms. Levin stated that she was as nervous as a hen and the apartment residents were probably worse off.

Kathy Meeh, 1276 Alicante Drive, hoped access to the beach would be allowed, mentioning that she had lived in the house that fell on Esplanade ten years before that. She mentioned that Prop. 13 came up as a negative economic impact in Mayor Lancelle's State of the City address. She mentioned some of the history regarding Prop. 13, and stated that, when the tax burden shifted from the property owner to the City, the City began an anti-growth movement with 31 years of progressive declining financial adequacy to run the City, especially during the present Council's tenure. She stated that the solution was not good. She mentioned that they removed land from the City to defeat lawsuits and allowed the City infrastructure to deteriorate. Now they were proposing a permanent sales tax for basic services, which other cities did not have. She stated that she was saying no to the tax, and asked that they get their tax producing economic act together for the benefit of Pacifica.

Tod Schlesinger, Linda Mar, mentioned that the City had an easement on Shore View to get down to the beach. He then suggested that, with this Council, the residents of Esplanade should get out of the building. He stated that there was precedent that the City had allowed an easement before. He stated that there were 206 sales of residential property last year, with 80% going up in value, so there was more money to the City regardless of the economy. He also felt what the Council had done to the Planning Commission at the previous meeting was rude and abusive, mentioning that this was their pattern. If they didn't like what they heard, they buried it. He then referred to the fact that they were voting on who should get on the General Plan committee, adding that he needed to get on it because the City needed him desperately. He referred to Councilmember Vreeland mentioning that he was the catalyst, and stated that putting him on it would be the smartest thing they have ever done because they would get the best and possibly get him off their back a little bit.

Paula Teixeira, **1408 Terra Nova**, invited the Mayor and Councilmembers, as well as the public, to Ingrid B. Lacy's 6th annual chocolate fest and silent auction on February 8 at the school.

Jack Dodson, 1140 Fassler, stated that he moved to Pacifica four years ago, and felt the City was replete with far-sighted, visionary and practical leadership which he was just beginning to appreciate more and more. He stated that, if he was able to pay \$400 for his hedge to be clipped, he could pay more for local City services, liking what he sees so far.

Mayor Lancelle closed Oral Communications.

Public Works Director Ocampo thanked the Council for the opportunity to address the concerns expressed by the public. He gave a brief background of the project and assured them that the City was not against allowing access but felt that they needed to find another place to do their staging which was beyond the recommended setback. He stated that it was their job, not only to assist the public, but also to protect the interests of the City and make sure that hazards were addressed. He stated that their letter to the agent, Mr. Willoughby, assured him that they were allowing access based on certain conditions, but were not allowing the staging area because of what was on his plans submitted to the City. He also stated that the Planning Department had received notice from the Coastal Commission informing staff that the Coastal Development Permit for this project was still incomplete. He concluded by stating that they were public servants and they looked forward to discussing the issues and facilitating the project.

Mayor Lancelle stated that they would not be having a discussion, but she asked the City Attorney if she could clarify a couple of his comments.

City Attorney Quick suggested that she leave it as, and discuss it with him in the morning and have him issue a further report to her.

Mayor Lancelle stated that it was not a question for him but an explanation for the public.

City Attorney Quick stated that it had been a fairly lengthy discussion and, to avoid running afoul of the Brown Act, she suggested that the discussion end now and that she follow up later.

Mayor Lancelle asked if she meant with the audience.

City Attorney Quick confirmed that she could have the City Clerk get information and follow up with them.

Councilmember DeJarnatt asked that they bring it back in two weeks as an agenda item for discussion, hoping that they would then have the permits.

Mayor Lancelle stated that she was not in favor of waiting two weeks, and was concerned that it be remedied. She stated that she heard the Public Works Director say they were willing to facilitate the permits needed to complete the project.

Councilmember DeJarnatt stated that he meant to have it return as an item for the Council to talk about it. He hoped it could be discussed in the morning.

Mayor Lancelle encouraged the public that had concerns to take the opportunity to speak with the Public Works Director for any clarification needed. She felt he showed a willingness to do what was necessary to alleviate the situation and address the problem.

Councilmember Vreeland asked the City Attorney if the document provided by the Public Works Director to the Council was a public record.

City Attorney Quick responded that it was.

Councilmember Vreeland stated that he could not discuss the subject, but he encouraged the community to get a copy of the document, which addressed the current status of the permit.

Mayor Lancelle called a break, then reconvened.

CONSIDERATION

4. Appointment of Citizens to the General Plan Outreach Committee.

City Manager Rhodes presented the staff report, stating that Salahuddin was not on the list but would be added.

Councilmember Nihart stated that she was going to mention that Kahlima Salahuddin was not on there and should be.

Mayor Lancelle opened public comments.

Bernie Sifrey, Pacifica, stated that they had 26 members on the list from different parts of the City with different opinions which was good. He suggested that they not drop anyone on the list but possibly add one or two liaisons from the Council.

Mayor Lancelle closed public comments.

Mayor Lancelle asked the City Manager if he had any comments on the suggestion of a Council liaison to the Committee.

City Manager Rhodes felt that, because of the function of the Committee in outreach, not in addressing the actual issues of the Plan update, it might not be a good idea to put Council liaisons on the Committee but keep the separation between this group and the Planning Commission and Council. He felt that using this group as an independent group was a better idea and that was how it was set up. He stated that the Council would be the policymakers, and this group would not serve in that function. He was concerned that mixing the roles could lead to confusion.

Mayor pro Tem Digre clarified that the City Manager was going to meet with the members to discuss the ground rules, specifically that they were not coming up with the ideas for the plan but were to make sure the outreach was there for the community to have the opportunity to come forth and express themselves. She also clarified that they would provide oversight to make sure they stayed on track.

City Manager Rhodes stated that he and the Planning Director had met with the consultant regarding the process and, based on those conversations, they had revised the resolution, created the committee and renamed it to clarify their role. He stated that there was an agreement on how they would move forward to ensure that the committee fulfilled their expected role.

Mayor pro Tem Digre clarified that she was asking because of being on TV, which allowed them to make sure that the broader community realized that they were invited to participate in giving opinions.

Councilmember Nihart stated that she was heartened by the names on the list because they were essential in getting the community to give input.

Councilmember Nihart moved to authorize the appointment of twenty-seven (27) members of the General Plan Outreach Committee; seconded by Councilmember DeJarnatt.

City Attorney Quick clarified that they were also moving to adopt the resolution.

Councilmember Nihart moved to adopt the resolution; seconded by Councilmember DeJarnatt.

Mayor Lancelle commented that this was a momentous event. It was a very big project, and she congratulated everyone who decided to participate now and in the future.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

5. Selection of City Council Liaison and Committee Assignments for 2009.

Mayor Lancelle presented the staff report. She suggested that they go through the committee list attached and discuss among themselves, beginning with the Council of Cities, mentioning the process when there was an item on the agenda on which they would be voting and her desire for input.

Councilmember Vreeland asked if she was talking about having an agendized item at their meeting prior to the Council meeting to talk about what would be on the selection process.

Mayor Lancelle clarified that she was referring to when there was any voting, and she was asking that the Council make recommendations to the Mayor.

Councilmember Vreeland stated that he was questioning it because each City did it differently, with some actually voting and the Mayor takes that vote, and in some cities the Mayor has the vote. He asked if she was requesting that they just talk about it, which they could do, but if she was asking for a vote, he thought there might be some change needed in some document. He thought it was a good idea, but they should think it through. He asked clarification from the City Attorney that now it was the Mayor's decision.

City Attorney Quick responded affirmatively.

Councilmember Vreeland questioned how it would be helpful for the decision maker if the Councilmembers had different opinions on who to vote for unless they take action by Council and that is how the Mayor must vote.

Mayor Lancelle mentioned that she would like to ask their opinion but was concerned whether it would be consistent with the Brown Act.

Councilmember Vreeland stated that, if it was on the agenda, it was consistent with the Brown Act. He was merely mentioning it because it was new and something they haven't done before. He thought it was great if she wanted that input, but he thought she should talk with the City Attorney about what that input meant. He asked whether it would be merely informational for her.

Mayor Lancelle felt she would appreciate it as informational.

Mayor pro Tem Digre thought it was too much power in the hands of one person, and she would prefer that it be a consensus opinion by the Council.

Mayor Lancelle agreed, adding that they would have to work out the details.

Councilmember Nihart asked if they were doing assignments rather than figuring out a new process.

Mayor Lancelle stated that she merely wanted to mention it while they were on that particular committee.

Councilmember Vreeland clarified that she asked a question, and he asked a question about what she meant.

Mayor Lancelle stated that she would work it out with the City Attorney to have a process.

Mayor Lancelle then went through the remainder of the list, discussing the various aspects and requirements involved with each committee, and each Councilmember made their choices on the various committees as follows.

ABAG General Assembly Delegate Airport Community Roundtable City/County Assn. of Governments C/CAG Bikeways Committee Emergency Services Council of San Mateo County Emergency Preparedness & Safety Commission Peninsula Congestion Relief Alliance Open Space Committee Pacifica Chamber of Commerce Pacifica Community Television & Comcast Liaison North County Fire Authority Joint Powers Authority San Mateo County JPA, Advance Life Support San Mateo County Library Joint Powers Authority Fog Fest Committee Liaison Housing Endowment and Trust of San Mateo County San Mateo Transportation Authority

M. Nihart; P. DeJarnatt (alternate)
S. Digre; J. Lancelle (alternate)
J. Lancelle; S. Digre (alternate)
J. Lancelle
S. Digre; M. Nihart (alternate)
J. Lancelle; P. DeJarnatt (alternate)
S. Digre; P.DeJarnatt (alternate)
S. Digre; P.DeJarnatt (alternate)
P. DeJarnatt; S. Digre
J. Lancelle; M. Nihart (alternate)
P. DeJarnatt; J. Vreeland (alternate)
M. Nihart, S. Digre; J. Vreeland (alt)
S. Digre; M. Nihart (alternate)
P. DeJarnatt
M. Nihart & J. Vreeland
P. DeJarnatt

AD HOC Committee Assignments:
Aircraft Noise Abatement Committee (inactive)
Housing Committee (inactive)
JUHSD/PSD Articulation Committee
Pacifica School Volunteers
Library Foundation Subcommittee
Economic Development Committee
Youth Service Bureau
Devil's Slide Design Advisory Committee
Sharp Park Golf Course Task Force

(unfilled until reactivated)
(unfilled until reactivated)
Nihart; Lancelle; Vreeland
P. DeJarnatt; J. Vreeland (alternate)
P. DeJarnatt; J. Vreeland
(unfilled at this time)
(unfilled; City Clerk to check status)
J. Vreeland; J. Lancelle
J. Lancelle; J. Vreeland

J. Vreeland

Mayor Lancelle suggested that they consider reforming the Economic Development Committee.

City Manager Rhodes stated that they can add to the list, but he suggested that they wait until they get them on the list and make the designations at that time.

Mayor Lancelle agreed, mentioning forming a group around the Community Response Team.

Councilmember Nihart agreed with issues of activating committees at different points, but she would hesitate waiting on the Economic Development Committee.

City Manager Rhodes stated that they needed to put it on the agenda because they didn't have any material.

Councilmember Vreeland mentioned that the committee was established when they had an Economic Development Director which was a decade ago, and the committee was an assistance to that function.

Councilmember DeJarnatt stated that they had met around the quarry property for at least five years.

Councilmember Vreeland mentioned that there were a lot of committees, and they should think about what that meant, and that was why they had it on the agenda.

Mayor Lancelle reiterated that was why it was on the agenda.

Councilmember Nihart agreed that, if they agendized it, they would reconstitute very specific things, and she would recommend that for all committees.

Mayor Lancelle thought it was an excellent suggestion.

Mayor pro Tem Digre asked if they needed to give direction to staff, mentioning marketing for the types of businesses that would be useful here. She asked if they directed staff on how that would function.

Councilmember Nihart thought that was part of the process of reactivating the committee. She would like to recommend that they agendize it for the future.

Councilmember Vreeland asked if this committee already existed.

City Manager Rhodes stated that he was not aware that it existed.

City Clerk O'Connell stated that, as mentioned by Councilmember DeJarnatt, they were meeting regularly during the quarry issues, but it came to a stop.

Councilmember Vreeland stated that they could have it come back to the Council or they could appoint two members and have them come back with recommendations and have a discussion. He suggested that Councilmembers Digre and Nihart be assigned to the committee and return to the Council with recommendations.

Mayor pro Tem Digre mentioned that they were on manager #4 and she had brought it up before but each time was told it didn't exist or it wasn't the right time. She would prefer to keep going.

Councilmember Vreeland reiterated that they get together, and come back with an agenda item and discuss what they felt the committee would do. He felt that would be more productive.

Mayor Lancelle agreed that it was a good idea, especially with the economic stimulus opportunities with the change in the presidency and federal government. She thought it made sense to put everything under one committee. She thought Councilmembers Nihart and Digre would be interested in that, and she looked forward to the discussion.

City Attorney Quick asked if they were going to come back to the discussion on the School Boards.

Mayor Lancelle acknowledged that they hadn't finalized that.

Mayor pro Tem Digre stated that, because of her involvement in the Economic Development Committee, she would give it up.

Mayor Lancelle stated that it would then be M. Nihart and J. Vreeland on the Articulation Committee.

Mayor pro Tem Digre mentioned that the next meeting was February 2.

Councilmember Vreeland suggested that they go to that one, and he and M. Nihart would go to the next meeting.

Mayor Lancelle adjourned the meeting at 8:50 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 5-0; 2/9/09

Julie Lancelle, Mayor