MINUTES

City Council Regular Meeting 2212 Beach Boulevard Pacifica, CA 94044 February 9, 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:

- 1. PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b): Conference with legal counsel: anticipated litigation. One potential case.
- PURSUANT TO GOVERNMENT CODE SECTION 54957.6: Conference with Labor Negotiator. Agency Negotiator: Ann Ritzma. Employee organization: Teamsters 856 – Battalion Chiefs.

Mayor Lancelle called the meeting to order at 7:05 p.m.

Present:

Councilmembers:

Vreeland, Nihart, DeJarnatt, Digre, and Lancelle.

Excused:

Councilmembers:

None.

Staff Present:

Steve Rhodes, City Manager; Cecilia Quick, City Attorney; Ann Ritzma, Administrative Services Director; Michael Crabtree, Planning Director; Van Ocampo, Deputy Director Public Works/City Engineer; Dave Bertini, Police Captain; Rich Johnson, Deputy Fire Chief; Christina Horrisberger, Assistant Planner; Raymond Donquines, Assistant Engineer; Kathy O'Connell, City Clerk.

Councilmember Vreeland led the Salute to the Flag.

Commission Liaison:

Planning Commissioner Thomas Clifford and Open Space Committee

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 01/07/09 to 01/23/09 in the amount of \$752,457.31, regular and quick checks numbered 81800, 2609 to 2665 and 2681 to 2800, as set forth in Item #1; Approval of Minutes of regular City Council meeting of January 26, 2009, as set forth in Item #2; Approval of Amendment to Contract Services with Lamphier-Gregory, Consultant for Environmental Review Services for the Manor Drive Overcrossing and Northbound Milagra Drive On-Ramp Project, as set forth in Item #3, moved to consideration as Item #13; Off Sale Liquor License for Palmetto Organic Grocery at 2304 Palmetto Avenue #4, as set forth in Item #4; Approval of Purchase of Police Tahoe from Hayward Chevrolet, as set forth in Item #5; Adoption of PERS Health Resolutions for Management and Directors Unit (Teamsters 350) and Confidential (Unrepresented) Unit, as set forth in Item #6; Adoption of Contract Agreement for the Fire

Battalion Chiefs, Teamsters Local 856, as set forth in Item #7; seconded by Councilmember Vreeland.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion carried: 5-0.

SPECIAL PRESENTATION:

Mayor Lancelle read a proclamation honoring Jean Brink, who recently retired from the Jefferson Union High School District Board of Trustees.

Jean Brink accepted the proclamation, thanking the past and present Councils for their cooperation and members of the community for supporting education. She then mentioned some of the future projects being planned at Oceana and Terra Nova. She again thanked the community and stated that it was her honor to serve for the past 20 years.

Mayor pro Tem Digre complimented the Jefferson Union High School District on their sensitivity to students liking crafts, as well as special needs students, and thanked Jean Brink.

Councilmember Nihart expressed her appreciation to Jean Brink, mentioning that she had worked with her on various projects, and felt that she was a role model for public service.

Councilmember Vreeland thanked her for her years of service to all the generations of kids who have gone through the schools.

Councilmember DeJarnatt agreed with all the comments, and added that she will be missed.

Lynn Adams made a brief report on the wonderful participation at last year's Earth Day under extremely inclement weather, then invited everyone to participate in this year's Earth Day, April 18. They would be following up with a celebration at Sharp Park with entertainment and speakers. She also invited businesses to participate. She then mentioned some of the ongoing projects by the Beach Coalition and thanked them for their work. She informed the public that she had flyers available.

Mayor Lancelle thanked her and the Pacifica Beach Coalition for their tremendous work.

Ms. Adams invited anyone interested to join their organization, stating that it was growing bigger and they could use the extra help.

Thomas Clifford, representing Disney Construction and the Clifford and Parrett families, presented the Pacifica Historical Society with a photo album documenting the construction of the Devil's Slide bypass bridges.

Kathleen Manning accepted the album on behalf of the Pacifica Historical Society, stating that it would become an important part of their archives. She mentioned that when they received a "treasure" they were sharing it with the entire community. She then introduced Jerry Krow, their archivist.

Jerry Krow stated that over the past years they were accumulating items of potential local interest for their future museum, adding that they had to rent a storage space because of the size of their collection and expressed his gratitude for this addition to it.

Ms. Manning stated that they were taking this opportunity to thank the City Council and staff who have been supportive of their efforts to preserve Pacifica's history.

Mayor pro Tem Digre thanked the leadership by Lynn Adams, the Beach Coalition and the Historical Society, especially in their outreach to the young people.

Mayor Lancelle stated that we were fortunate to have the Pacifica Historical Society in our community doing their great work.

Councilmember Nihart thanked Tom Clifford for documenting the bridge to make sure it was preserved. She mentioned seeing the work at the Little Brown Church and felt this was a wonderful group that would bring forward a great museum. She also pledged to volunteer for Earth Day this year.

PUBLIC HEARINGS:

8. Appeal of Planning Commission Approval and Councilmember Call Up of a Mixed Use Project (with 3 one-bedroom condominium units above 2 commercial spaces) at 2270 Palmetto Avenue, Pacifica.

Councilmember Nihart recused herself because she lives too close to the project.

Mayor Lancelle stated that they had a request by the appellant to continue this item, adding that they may do that, depending on the will of the Council. She assured anyone who came to speak that they would have the opportunity even if it was continued.

Councilmember Vreeland thought it would be fine to continue it, but didn't know if they needed to go through the staff report if there were people interested in addressing the Council and he would look for direction from the City Attorney.

Councilmember Vreeland moved that the City Council **CONTINUE** the appeal and Councilmember call up for a mixed-use project at 2270 Palmetto Avenue to City Council meeting of March 9, 2009 with the public hearing open; seconded by Councilmember DeJarnatt.

City Attorney Quick stated that they could continue the item without going through the staff report. Since it was noticed for a hearing today and there were people present for the matter, she explained that the matter would be heard in full on the first meeting in March, and asked who would speak today or speak at the meeting in March.

Councilmember Vreeland asked whether they would continue it with the hearing open if no one spoke.

City Attorney Quick responded affirmatively.

Mayor Lancelle asked if a person could speak at the March 9 meeting if that person spoke tonight.

City Attorney Quick stated that they were not obligated to let them speak a second time, but historically the Council had allowed people to speak a second time.

Mayor Lancelle asked the City Attorney if they vote on the continuance first and then open the public hearing.

City Attorney Quick stated that she should open the public hearing, allow them to speak, and then vote on the continuance without deliberation.

Mayor Lancelle opened the Public Hearing.

Planning Director Crabtree stated that the applicant wished to speak.

John Newman, counsel for the Houmam family, first addressed the continuance issue by explaining that he felt the appellant had no new information to support the objection to this project, giving details regarding the fact that she was informed about the possible proposed project on this property before she purchased her home, mentioning that the present structure was not considered a historical landmark, and referring to the unanimous decision of the Planning Commission in approving the project. He also referred to the many people present in support of the project. He then requested that the Council uphold the thoughtful deliberation of the Planning Commission, deny the appeal and allow them to move forward with the project.

Jama Houmam urged the Council to deny this appeal. He felt that it was a shame and embarrassment to the community. He felt that none of it made sense. He referred to all the paperwork provided to the Council, and addressed the fact that they had provided all the information to anyone who was interested in buying the next door property. He then mentioned that Robin Runneal has been mad at him for building a fence.

City Attorney Quick requested that he restrict his comments to the merits of the permits for the project and not discuss any disputes between neighbors.

Mr. Houmam stated that he had a flyer that Robin Runneal was passing to the neighbors.

City Attorney Quick stated that he could hand the flyer to the City Clerk.

Mr. Newman stated that, if the City Council was going to consider a continuance, they might consider deferring further testimony. He felt they had shown good cause why it shouldn't be continued, and asked if the Council would indicate how they would be voting.

City Attorney Quick stated that there was a motion for continuance at the present time, and she asked him if he was saying that, upon continuing the item, they would give testimony at the next meeting rather than this one.

Mr. Newman asked whether, if continued, the public would have another opportunity to speak then.

City Attorney Quick stated that it would be continued as a public hearing with the public hearing open.

Mr. Newman asked if there was a standard for a continuance or was it automatically granted if requested.

City Attorney Quick stated that there was not a legal standard. It was within the Council's discretion and didn't need to meet a particular standard of review.

Mr. Newman stated that the applicant was given no reason for the request for continuance.

Mayor Lancelle clarified that the appellant requested the continuance because she would not be in town.

Quetzal Maucci, appellant's daughter, stated that her mother was on a business trip and she was speaking on her behalf to ask for a continuation of the appeal to allow her to present her point of view on the situation.

Mayor Lancelle stated that they also received her letter requesting the continuance. She then read the names of those requesting to speak, adding that they would be free to speak at the next meeting as well.

Julia Boyle, Vallemar, stated that they had one of the most rigid Planning Commissions in the area and, if approved by them, it was a go. She thought they were conscientious about the impact on the environment, etc. She also felt, with this economy, we were idiots to turn down something that would employ people, provide affordable housing, and some modern storefronts. She also stressed that these were members of Pacifica who gave back to the community and were trying to do something that was right. She felt we needed every cent we can get from any size project.

Jude Pittman, 2312 Palmetto, shared her poor experience with badly managed development on Palmetto. She proceeded to detail the costly need for her to upgrade her home with skylights, etc., in order to provide light and heat to her home. She asked that they carefully consider the plan's impact on adjacent houses in the neighborhood, adding that a few changes would ensure light, warmth and a window with some view. She also stated that this project was considerably different than what was originally presented by the developers.

Monica Houmam, 82 Birch Lane, stated that they had worked hard on the project for two years and felt it would benefit Palmetto Avenue as well as the entire community. She explained what they had done since the purchase of the property and why Ms. Maucci's claims were inaccurate. She reiterated that they had followed all the required procedures, were not breaking any laws, and should not be punished for Ms. Maucci's baseless appeal.

City Clerk O'Connell read a statement from Emilio Colombo, 2100 Palmetto, addressing statements on a flyer that he felt were untrue.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 4-0-1.

Councilmember Vreeland asked if this item could be the first item on the agenda at the March 9 meeting.

Mayor Lancelle agreed that it should be the first item for the public hearing on March 9.

Councilmember Nihart returned to the dais.

9. Recommendation by the Financing City Services Task Force for the Adoption of a Local Sales (General Transactions and Use) Tax; Adopt Resolution Calling for the Holding of a Special Municipal Election on Tuesday, June 2, 2009, for the Submission to the Voters of a Ballot Question Relating to a General Transactions and Use Tax; and Introduce Ordinance Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization.

City Manager Rhodes and City Attorney Quick presented the staff report.

Councilmember Nihart referred to the oversight committee, and asked if the City Manager could say more about that.

City Attorney Quick stated that the specific language creating the committee was found in section 19 of the proposed ordinance, read the specific wording, then stated that if adopted by the voters, the Council would have to take the steps to create the committee and ensure they meet once a year.

Mayor pro Tem Digre asked whether they would have to go to the public at the time of the sunset, if they needed more money. She thought they could have a sunset and deal with it then or they could inaugurate an assessment fee.

City Manager Rhodes stated that this ordinance would establish a set amount which could not be changed without another vote. If they wanted other financing measures, they would have to follow those procedures which would be independent from this.

Mayor pro Tem Digre stated that she was trying to clarify that this did not say no to anything else.

City Manager Rhodes responded that they were able to consider other funding options as well.

Mayor Lancelle opened the Public Hearing.

Andy Sloane, Pacifica, fire captain and District Vice President of Firefighters Assn., stated that he was present to let them know that the Assn. was in support of the 1% sales tax proposal. He acknowledged that taxes were not popular, but he felt this tax would allow a plan to fix our year to year budgetary problems and avoid layoffs in the future.

Bob Trapp, Pacifica, referred to the Fire Assessment which sunsets this year, and stated that we needed a funding mechanism. He also mentioned that taxes were not popular, but in this economy, he felt now was not the time to jeopardize all City services. He urged them to move forward with this.

Julia Boyle, Pacifica, stated that the economy was in the toilet and we needed social services, but we were now paying the price for eight years of ineptitude at the federal level, and narrow thinking at the city level. She felt we had a gem on the coast but had let go of a lot of very good ideas and drove away people with good ideas. She felt we needed to go forward with this bandaid but also think of what we can do to be self-supporting or a viable community.

Mary Keitelman, Pacifica, stated that she supported the 1% sales tax which was needed for our vital services, but she asked that we be frugal in how we spend it.

Avis Freeman, Pacifica, stated that she was on the Advisory Board of the Pacifica Resource Center, and was worried that they wouldn't get funding for the next year. She was in support of the Resource Center and was also in support of the 1% sales tax. She reminded everyone how much help the Resource Center gives to the people in need in Pacifica. She hoped the new regime will help us but felt things will not get better yet, and this sales tax was very important.

Ada Tarkington, Pacifica, stated she was in favor of the 1% tax. In looking at the website survey, she thought it was clear that 83% of the people felt it was important to prevent cuts to our essential services. She mentioned that the state would be releasing thousands of prisoners because of not having a budget and she felt it was important to keep our essential services. She felt we needed to do something to get out of the hole in which we have been placed, and she felt the 1% tax would help or even 1.5% tax to keep us out of the hole. She added that, if we also needed the parcel tax, we should do that to keep ourselves out of the hole. She stated that, if there was a petition for the legislators to stop their perks until they pass the budget, she was ready to sign up and go.

Sue Vaterlaus, Pacifica, stated that she was a member of the Finance Tax Force Committee and was in favor of the 1%. She wasn't in favor of 34% because she felt we needed the extra. On a personal level, she would like the Citizen's Oversight Committee to determine expenditures prior to the allocation instead of after the funds were spent. She felt it was equitable to everyone and not just homeowners. She also felt this tax needed a sunset because we need a value on economic development in the future.

Sheila Hansen, Pacifica, president of the Pacifica Library Foundation, mentioned that Pacifica has always been under the gun of never having enough money yet she thought it was incredible what has happened over the 42 years that she has been living in Pacifica. She agreed that we were in dire straits now, and then stated that the Library Foundation was in support of putting this on the ballot. She added that American initiative always gets us through, and we have to believe that.

Mike Mooney, 1009 Everglades, referred to five years ago when he was in support of what was needed to keep the services we have, and now he was back in support of this 1% tax. He didn't think it would stop anyone from shopping in Pacifica, and he liked the fact that everyone pays, including people visiting our city.

Suzan Getchell-Wallace, Pacifica, was a member of the Finance Task Force and thanked the Council for appointing her to the task force, but she was now speaking as a citizen commending Council and staff for responsibly anticipating the impacts of our services from the sunset of the fire suppression tax. She felt they had responsibly made every effort to meet this problem, and they had plenty of time before the June election to discuss, debate and campaign for or against the measure, but ultimately it was up to the citizens of Pacifica to decide how we go forward.

Josh Gordon, Pacifica, felt it was sad that our firefighters had to plead for the funding to meet their payroll. He stated that, if we don't replace the money from the fire assessment fund, we would lose basic services. He felt it was a no-brainer. He was confident that the Council would make the decision to put the sales tax on the ballot. He hoped the voters of Pacifica pass this, and mentioned some of the safety measures built into the program. He mentioned that, with the

gridlock in Sacramento, it was important for Pacifica to be self-sufficient and go local. He liked the idea of visitors and tourists contributing also.

Jeff Simons, 231 Beaumont Blvd., stated that he has looked at the budget and the numbers, and felt they didn't need the tax. He stated that, if anyone was interested in talking with him, he would be happy to show them. He stated that, if they moved forward, there were some faults with the survey. It didn't take into account diminishing returns. It also used sales data from last year and it would be significantly worse because of the state of the economy. He stated that the phone poll did not mention the reserve. He felt they could tap into that reserve if needed now and it would give us time to make up for the development needed to be self-sustaining. He referred to some expenses approved by the Council, such as the RFP for Coastside Scavenger, and mentioned that they could save half of what they were going for with the sales tax. He felt the ballot language was misleading and was instilling a lot of fear.

Kathy Meeh, 1276 Alicante, stated that she was against this tax. She mentioned the \$7.3 million reserve, and suggested they spend some of that. She thought it was pathetic to see the Fire Department beg for this tax, adding that this one would be permanent. She mentioned that the tax study session would be rerun on Monday, February 16, and would give a different view from the "love fest" at this meeting. She mentioned that National Budget committee member Sen. John Ensign, commented on the stimulus package saying that bike paths were nice but weren't an economic plan. She felt this city needed to develop for real tax revenue and not for fun. She stated that the members of Pacifica should not have to carry the City on their backs with all the taxes. She stated that other cities did not have taxes for basic city services which was the responsibility of the city itself. She then mentioned various projects that had gone by the wayside, concluding that we needed to do better in the City.

Carlos Davidson, Pacifica, could not stay but submitted a card expressing support for the tax.

Cynthia Kaufman, Pacifica, could not stay but submitted a card expressing support for the tax.

City Attorney Quick suggested that she give those letters to the City Clerk to keep with a copy of the administrative record.

Tod Schlesinger, Linda Mar, stated that this was all about the Council not doing their job, and the sales tax should be called in lieu of doing your job tax. He felt this was a dis-incentive to shop in Pacifica and was nothing more than a smoke screen to buy them another year to come up with another excuse as to why they can't get the job done. He asked if anyone would like to bet that there will be more cuts next year, mentioning that the city had lost 25% of the employees in the last four years. He did not think this sales tax was going to prevent any more cuts. He commented that Pete Pereira said this was the worst Council he had seen in 54 years. He jokingly suggested they name it the Nancy Hall tax.

Karen Rosenstein, Rockaway, stated that she was happy to live in a community with an organization known as PRC. She was thrilled to live in a community that was willing to tax itself to help such organizations and keep our City services funded. She asked that they put this on the ballot.

Nancy Hall, Pacifica, commended them on doing their homework. She stated that they weren't deciding to implement the tax, but merely giving the citizens an opportunity to decide by putting it on the ballot. She appreciated the oversight and felt it had been a good, thorough, transparent job in bringing this forward. She commented on her observation that many people now come to

Pacifica specifically because of the recreational outlets we have developed, and they spend their money in restaurants, etc. She felt that there was economic health being created by not ruining this place with over development which was good stewardship turning into a type of economic development that made sense for Pacifica. She thanked them for giving us the opportunity to make up our minds about this tax. She didn't think it was the rest of the world rolling in clover and Pacifica being broke. She thought the fact that we had a surplus was remarkable, and felt it was because of the Council.

Andrew Leone, Pacifica, stated that he was in support of the sales tax. He mentioned that he had heard of other "smart" cities around the country doing the same things by looking for ways to raise revenue. He felt many things about our town had improved in the past 25 years that he has lived here. He strongly supported the tax.

Dinah Verby, Pacifica, stated thank goodness for Barack Obama and all of them. She felt they were doing the right responsible thing by helping us take local control over our City finances. She agreed with the speaker saying it was a no-brainer. She had a letter from Pete Shoemaker, a member of the task force, who couldn't be present and she proceeded to read it. His comments mentioned the research they had done in coming to this decision. He pointed out that they had discovered that many cities had already come to the decision to create a sales tax to pay for their specific needs, and they also realized that over development was not a guarantee of financial security as seen in several of the cities mentioned in their research.

Samuel Casillas, Pacifica, stated that he knew something had to be done with the sunset of the fire assessment, and it had to be equitable and fair and preserved our way of life in Pacifica. He commended the Council and staff for coming up with such an option. He felt that Pacifica had a unique environment which was not available in any other place. He felt his support of this tax was based on seeing how the Council was working toward a better future, such as the Palmetto Avenue plan and the General Plan update. He commended the Council and staff.

Jacquelyn Galloway, Pacifica, was not present but asked that her yes vote be read into the record.

Greg Cochran, Pacifica stated that he was on the finance task force and it was a great consensus group with lively discussions with many business representatives and community group representatives. He commended the Council for the selections to the task force. He felt they should look to the future and agreed that this 1% sales tax was needed. He stated that he was also a member of the PB&R Commission and they would like to revisit the possibility of charging for parking at Linda Mar Beach because he felt they could find a great source of revenue and add to the City coffers.

Rich Campbell, Vallemar, expressed support for the sale tax. He felt it was done in a very open, transparent manner. He commended the Council for addressing the expiration of the fire tax head-on. He agreed that it was a no-brainer and was needed to keep essential services. He mentioned the Jeff Simons/Tod Schlesinger side show, stating that they throw around a lot of numbers out of context that were not substantive. He urged the Council to get the tax on the ballot, adding that he felt they would have broad support for it, and he felt it would support the fire and police departments to the fullest extent possible.

Thomas Clifford, Pacifica, stated that he was in support of the tax. He wasn't saying that he liked taxes, but he felt we needed to take care of City services and he felt this was the fairest way by everyone being taxed.

Therese Dyer, 1408 Crespi Drive, stated that she was staying neutral on this tax, because we were already being taxed 18% on our sewer tax. She asked Mayor Lancelle about the bio-diesel plant, mentioning that they weren't hearing any progress reports on that, and mentioned that the food chain scheduled for Pedro Point was closing the doors before being opened. She also stated that Councilmember DeJarnatt should excuse himself when it comes to his brother-in-law or any relative in building permits, mentioning that he had voted against the square footage on the mega homes. She felt they should encourage all the development they can in Pacifica.

Fred Howard, Pacifica, stated that he was for the 1% tax. He mentioned that he was on the Council when Prop. 13 was enacted and they had to let 45 employees go. He referred to Mr. Stechbart's comment at the study session that they shouldn't put this on the ballot because it wouldn't pass and he wondered when we became a society where we don't have the opportunity to let the voters decide. He then referred to Ms. Meeh's comment that we didn't have enough taxes because we didn't develop anything, commenting that she must not have been around when they passed Westview, or larger houses on Pedro Point. He was really shocked by Bill Moore's comment that Walgreen's wouldn't do anything for the City of Pacifica. He added that the comment was crazy because they wouldn't build if they didn't know they would have business. He mentioned that this Council had done very well, and asked what large commercial development the Council had turned down, mentioning that the one development that was turned down was done by the citizens, not the Council. He felt Prop. 13 was the reason that all cities were doing this. He mentioned that Daly City taxed everything that walks or was starting to walk.

Gali Gordon, Vallemar, stated that the allegations being made about financial mismanagement by the Council were very disturbing. She saw a Council that was responsible, competent and, in the quintessential Pacifica way, was doing a lot with so little. She commended them for coming up with this idea. She felt it was an excellent idea and she supported it. She felt it was a fair tax and also fair that the tourists that enjoy our treasure would also pay into it. She hoped the voters pass it. She referred to Ms. Dyer's comment that we should get every bit of development that we can in Pacifica, and she thought that was wrong-headed. She felt we needed smart development that would enhance the livability and attractiveness of this community.

John Curtis, Pacifica, prayed that God would deliver us from embittered failed City Council candidates who were determined to say or do anything to make the Council look bad for having the gall of beating them. He stated that Pacificans would be paying increased sales tax because every city around us was doing it, mentioning that San Francisco was planning 1%. He mentioned that he had the quarterly reports from the Franchise Tax Board, and mentioned some of the surrounding cities that had adopted a tax, and the beauty of it was that the tax stayed here. He felt hoping for the county, state or feds to bail us out was unrealistic. He didn't understand the opposition, because they were basically opposed to letting the people have the opportunity to vote on the tax. He stated that wealthier cities were doing it, and he also felt that it would not bankrupt any local business because if they were that far on the edge they wouldn't make it anyway.

City Clerk O'Connell read an e-mail from Eileen Manning-Villar expressing her support of the tax, adding that the Council had been supportive of the school's Measure N campaign.

Mayor Lancelle closed the Public Hearing.

Councilmember Nihart thought there was a tremendous amount of public input on this and acknowledged that it was a very serious endeavor. She mentioned the comments made by John Curtis about the amount of other cities that had initiated extra sales tax. She also thought many residents weren't aware that the fire assessment tax was ended. She then mentioned that she was meeting with Admin. Services Director Ritzma to clarify and make public City finance matters. She discussed some of the various taxes and how they might be affected by what they do in Sacramento and she felt we needed to realize that they were at risk. She stated that she and Mayor pro Tem Digre would be meeting with an economic development committee and would create a clear plan to promote the City's businesses. She would also like to work on a customer service orientation. She felt that they had to do something to move forward.

Councilmember Vreeland thanked the committee for the time they spent on this issue, and he felt their recommendation was a solid option. He reiterated that this would be going to a vote on the ballot. He then reminded them that they would not be paying the \$75 for the fire assessment tax and they can now choose to pay the extra tax and keep the money for use in Pacifica. He felt that the next few years were going to be difficult and this was a way to get through those years and keep the services. He felt they had a plan for the future of the city and then mentioned that the City had built a foundation for private companies to be willing to come in and invest money in revitalizing old shopping centers, such as Walgreen's. He reiterated that they weren't making the decision to tax anyone just as they can't make houses get built. He referred to Connemara which was approved but, because of the economy, the houses weren't getting built.

Councilmember DeJarnatt stated that most of what he wanted to say had already been said. He thanked the committee and staff. He stated that he had walked past the old Safeway on Pedro Point and was saddened that the new company may not be coming in, although he thought the building looked great. He was sure someone else would come in. He also mentioned that many cities were doing the same thing. He stated that the Finance Director had been told by state officials that the next three years would be very difficult, and this tax would guarantee that they get through those years.

Mayor pro Tem Digre heard that Burlingame was increasing their TOT tax. She then mentioned that, should anyone think the Council stopped the development on Pedro Point, that particular company had several other stores in California which they stopped. She complimented the task force on producing a great work.

Mayor Lancelle stated that the committee, staff and public have done a very good job on discussing this issue. She commended all of them and added that, if it did pass, it would be another good reason to shop in Pacifica.

Councilmember DeJarnatt moved to read Ordinance No. 763-C.S., titled "An Ordinance of the City of Pacifica Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization" by title only: Waive full reading beyond title and introduce Ordinance No. 763-C.S. imposing a Transactions and Use Tax; seconded by Councilmember Nihart.

Councilmember Nihart thanked the public, including the people who chose to remain neutral, because she appreciated everyone's efforts at recognizing where the City was and where they were in relationship to the state.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

Councilmember DeJarnatt moved to Adopt Resolution next in order titled "A resolution of the City Council of the City of Pacifica, California, Calling and Giving Notice of the Holding of a Special Municipal Election on Tuesday, June 2, 2009, For the Submission to the Qualified Voters a Proposed Ordinance and Declaring An Emergency Pursuant to Section 2(B) of Article XIIIC of the California Constitution Necessitating Submission of a General Transactions and Use Tax Measure on the June 2, 2009 Special Election Ballot and Directing the City Attorney to Prepare an Impartial Analysis and Requesting the County of San Mateo to Provide Election Services. (A unanimous vote of the Councilmembers present and at least 4 votes are required to adopt this resolution.); seconded by Councilmember Nihart.

Councilmember Nihart stated that they would be implementing oversight and transparency as they go through the budget process and would be moving forward on economic development with a specific plan.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

City Attorney Quick stated that, on the next motion, they needed to identify the Councilmembers who would be signing the ballot argument.

Mayor Lancelle asked how many Councilmembers can sign.

City Attorney Quick stated that all five of them could sign.

Councilmember Nihart asked if they needed to write the ballot argument.

City Attorney Quick agreed that they did but they could designate a Councilmember or members to draft it and have all five sign it or just one or more draft and sign.

Mayor pro Tem Digre asked if the City Attorney was allowed to help them with the legal language.

City Attorney Quick stated that she wouldn't help other than to count the words and make sure they spelled everything properly, but the substance would need to come from the Councilmembers.

Mayor Lancelle asked if it could be one or two Councilmembers and several members of the public.

City Attorney Quick stated that the election code specifies the priority for who can prepare the ballot argument. If the Council chooses to have Councilmembers prepare the ballot argument, it does need to be prepared by Councilmembers.

Mayor Lancelle asked if it would only be signed by Councilmembers.

City Attorney Quick responded that it would be just Councilmembers.

Councilmember DeJarnatt stated that he was happy to sign and participate in writing it.

Councilmember Nihart stated that she would be willing to write the argument.

Councilmember Vreeland asked how all five sign and work on it without it being a Brown Act issue.

City Attorney Quick thought it was a good point. She stated that there were no cases to provide guidance, explaining that some City Attorneys felt that once it was on the ballot it was not an official Council issue and all five can meet and work on the argument and others take the conservative position that the difficulty of all five meeting was the temptation to have the conversation go beyond the ballot measure. She felt one option would be to have someone take the lead in drafting it, circulate it and have a special meeting or bring it back as a consent item at a Council meeting. She added that it would have to be done on or prior to the February 23 meeting to correct any potential allegations about the Brown Act.

Councilmember Vreeland was willing to do it anyway but had never done it before.

Councilmember Nihart asked the City Attorney to clarify what they talked about.

City Attorney Quick mentioned that there were two procedural matters. The item before the Council was the question to call the election, which has been done and the City Clerk would do the implementing steps and it would no longer go before the City Council. The second item was whether the Council wished to do the ballot argument, and there was a split about whether that was City business because it was the Council acting as political entities which they were allowed to do under the government code and California Constitution. Some City Attorneys felt writing the ballot was a political activity and they didn't have to agendize it. Others took the position that, even though writing the argument was a political activity, because there was a temptation to bring in other city-related business into the discussions, it made sense to have a draft done and circulated but have the final signature take place at a Council meeting. She stated that once the ballot argument was submitted, there would be no further matter coming back to the City Council on this matter.

Councilmember Nihart stated her preference would be for a subcommittee to create the first draft and all give input at a public meeting.

Mayor Lancelle thought that was the best way to go about it, with Councilmember Nihart and one other member working on the draft, then discuss it at the next Council meeting, and agree on the language at that meeting then sign it. She asked if that was the conservative approach.

City Attorney Quick agreed that it was the conservative approach. She stated that the timeline was 14 days after this meeting, February 23, so it would have to be finished at that meeting or a special meeting earlier.

Councilmember Vreeland stated that he would like to sign it but would only be comfortable signing it if it came back to a public meeting where they all talk about it because it was public business.

Councilmember Vreeland moved to Adopt Resolution next in order titled "A Resolution of the City Council of the City of Pacifica Setting Priorities for Filing Written Arguments Regarding a City Measure," with Mayor Lancelle and Councilmember Nihart crafting the language, and have

all five Councilmembers sign and direct staff to bring back the actual language of the ballot argument at the meeting of February 23 for final action; seconded by Mayor pro Tem Digre.

Mayor pro Tem Digre asked clarification that they could circulate the draft to give them an opportunity to give them input.

City Attorney Quick stated that they could circulate the draft but meeting for discussion would raise the potential Brown Act question.

Mayor pro Tem Digre stated that to cut down on time, they could circulate it and they could send back to them anything that might be questionable so that by the time it came to them at the meeting, it would be cut and dried.

City Attorney Quick agreed that they could circulate it prior to the meeting but the signature would not take place until the meeting.

Mayor Lancelle reiterated that they could look at the draft and return comments before the meeting because it would not involve unrelated matters.

City Attorney Quick agreed because they would not be taking the action until they meet at the meeting, adding that they may have further edits at the meeting.

Councilmember Nihart confirmed that, even if they go back and forth, they could do further edits at the meeting.

City Attorney Quick agreed that they could and should because that was the purpose of the meeting.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

Councilmember Nihart moved to Adopt Resolution next in order titled "A Resolution of the City of Pacifica Providing for the Filing of Rebuttal Arguments With Respect to a Proposed Measure Imposing a General Transactions and Use Tax," Submitted at the Special Election To Be Held on Tuesday, June 2, 2009; seconded by Councilmember Vreeland.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

Mayor Lancelle again thanked everyone on the committee, members of the public and everyone who worked on this. She stated that there would be a second reading in two weeks and reviewing the ballot language.

COUNCIL COMMUNICATIONS:

Mayor pro Tem Digre stated that she would be meeting with the Traffic Congestion Alliance on the 12th.

Councilmember Nihart stated that she and Mayor pro Tem Digre attended the articulation committee for school districts for both Jefferson Union and Pacifica School District. She also congratulated IBL for a very successful Chocolate Fest. She attended the launch of the membership drive for the Pacifica Education Foundation, which was very well attended. She encouraged the community to get involved.

Councilmember Vreeland stated that he had gotten a package from Care for Kids Club, and hoped that the City Manager had a chance to followup because they were looking for possible space in town to use. He attended the San Mateo County Transportation Authority meeting, mentioning that they were moving forward on their strategic plan. He mentioned that there were new bus shelters on El Camino and he hoped to work with them on getting some put in Pacifica, such as the Manor Shopping Center. He mentioned that they had a closed session meeting earlier in the evening discussing the quarry. He explained that there was a subcommittee formed to have active discussions with the quarry owner, and they had a meeting planned on February 23. They would continue to have discussions to look for ways to move the project forward. They hoped to bring something back for a public discussion in the near future.

Councilmember DeJarnatt stated that he attended the San Mateo County Library JPA meeting, saw the new county library director in action and felt he would work out very well.

Mayor Lancelle attended the C/CAG meeting which discussed funding for street paving projects, adding that Pacifica was in line for additional funding. She mentioned the meeting on the Pacifica Historic District presentation with the Palmetto streetscape plan, and the place was packed. She thanked everyone who got the word out about the meeting. She attended the Chamber of Commerce annual awards banquet which was wonderful. She also attended Pacifica's GGNRA Advisory Committee meeting which was very active in giving input to the GGNRA about their master plan. She reminded everyone about the road closure on Monday, February 16, in the morning when Lance Armstrong and other bicyclists would be bicycling through town on Highway 1.

City Manager Rhodes clarified that only the southbound direction would be closed.

Mayor Lancelle reported that the San Andreas Trail would be closed until February 21 because of a water line under repair. She reminded swimmers that the Oceana pool would be closing during the summer to begin the renovations and there would be limited programs at Terra Nova. She also cut a ribbon for a new business on Pedro Point called Luna Cakes.

Mayor pro Tem Digre reminded everyone about the Open Space Committee meeting on Wednesday, February 18.

Councilmember Nihart reported on signs on Terra Nova Blvd. in preparation for work being done on the street.

Mayor Lancelle mentioned that she and Mayor pro Tem Digre went to the dollar radio station and spoke with a representative from the San Mateo Historical Society and members of the Pacifica Historical Society about a historic site in Pacifica. She has already asked the City Attorney about giving it City landmark status.

ORAL COMMUNICATIONS

Mayor Lancelle opened Oral Communications.

Fred Howard, Pacifica, stated that he watches the group that rips the Council apart. He spoke to Councilmember Vreeland, pointing out the calendar which showed what Pacifica's beach looked like 50 years ago, and what it looks like today. He then mentioned all the beautiful trails that we have that no other nearby city has. He felt that those who insult the Councilmembers were doing it for only one reason, to take their seat, and it wasn't working and wouldn't work. He encouraged them to continue doing what they are doing. He stated that they all appreciated what the Councilmembers were doing.

Chuck Evans, Pacifica, clarified that they moved the Open Space Committee meeting to Wednesday, February 11.

Mayor Lancelle stated that she forgot to mention the CERT training and asked the City Attorney if she could still do that.

City Attorney Quick responded affirmatively.

Mayor Lancelle stated that they were having a CERT training beginning March 26, explaining what they would learn and encouraging everyone to sign up.

Mayor pro Tem Digre asked if they could make up a missed meeting by attending one in another city.

Mayor Lancelle thought they still could do that.

Mayor Lancelle closed Oral Communications.

CONSIDERATION

10. 310 – 350 Esplanade Seawall Project Update.

Project Manager Bart Willoughby stated that he would be available to answer any questions.

Deputy Public Works Director Ocampo presented the staff report.

Mayor Lancelle asked Mr. Willoughby if he had anything to add.

Mr. Willoughby stated that he didn't have anything to add, explaining that they had pretty much ironed out all the issues.

Councilmember Vreeland asked Mr. Willoughby if he was still working on getting the coastal permit.

Mr. Willoughby stated that he was but added that, as soon as they get approval to use the access area, he would be moving on an emergency application because they needed to do that. He stated that the project had two phases, rocking the toe of the bluff from 310 down to the rock riprap at 380 so that nothing can get behind and erode the bluff. He stated that the only thing holding them up at this point was the access issue.

Councilmember Vreeland asked Deputy Public Works Director Ocampo if that was also his understanding.

Deputy Public Works Director Ocampo responded affirmatively. He stated that Mr. Willoughby had submitted for a formal CDP with the Coastal Commission, and his intention was to apply for an emergency permit once he ironed out the access to place rocks as a temporary protection. Phase 2 would be construction of the seawall which included the sheet pilings and rock revetment. He stated that the rocks would take them through the winter season.

Councilmember Vreeland thanked the two of them for resolving the issue, stating that a lot would be outside the City's control and it was important to work with the Commission to get the project done for not only his revetment but the vertical access which he thought was part of the project.

Mr. Willoughby agreed that they would be providing the vertical access.

Councilmember Vreeland asked where the location would be.

Mr. Willoughby stated that it would be at Manor on City property.

Councilmember Vreeland asked what part of City property.

Deputy Public Works Director Ocampo stated that it was at the access point and after they used it they would improve that into pedestrian access.

Councilmember Vreeland asked who approved that project.

Mr. Willoughby stated that they would submit the plans to the City, but ultimately the Coastal Commission would make the determination of what they will accept. He stated that regardless of what the City approved, he would still have to go to the Coastal Commission and get their approval.

Deputy Public Works Director Ocampo stated that the design for the access would also be reviewed by the Coastal Commission as part of his submittal.

City Attorney Quick stated that she was drafting the agreement so that the City approved the design first.

Councilmember Vreeland asked if it would be before it goes to the Commission.

City Attorney Quick stated that it might be contingent on City approval or the City approval would be first, but she felt the City should retain some design control, unless the Council didn't agree with that.

Councilmember Vreeland agreed, but he was merely trying to put the pieces back together. He felt it was important because two weeks ago he thought there was talk of a lateral access. He thought that wasn't part of the discussion now.

Deputy Public Works Director Ocampo stated that, in order to help Mr. Willoughby facilitate his project and acknowledging the cost, they would look for other ways to fund that project. At this time, they were getting the vertical access which was helpful for residents.

Councilmember Vreeland stated that it was great, but it was different from what they talked about two weeks ago about what the City was receiving for this access. He then asked if the access would be ADA accessible.

Mr. Willoughby stated that he didn't think it would be part of the goal. They were more prepared to do the switchback and not so steep for the public but doing the ADA was really expensive.

Councilmember Vreeland stated that he was merely asking the question, but he suggested that he think about it because the Coastal Commission may require him to do that. He mentioned that some things were within the City's control and some was not.

Mr. Willoughby stated that one reason for doing the vertical access was that Land's End seemed to have a problem taking care of their vertical access so that residents can enjoy the beach and a lot of people used the access at this location.

Councilmember Vreeland agreed and he was thankful that he was going to consider doing that. He asked the timing for project start and completion.

Mr. Willoughby stated that they would like to have the project completed at the latest by July.

Councilmember Vreeland mentioned that he meant all the rocks in place and all the wall in place.

Mr. Willoughby reiterated that they would like all the rocks in place and all the wall in place, cleaned up, vertical access improved and they were done.

Deputy Public Works Director Ocampo added that it depended on the Coastal Commission agendizing the matter and providing the approval.

Councilmember Vreeland stated that he would ask him separately about the RV Park and Land's End, because they needed to work on some of the access projects they haven't completed.

Deputy Public Works Director Ocampo stated that they had recently met for the RV Park and had an understanding of where they want it, and they were waiting for their engineers to provide them with the initial drawings to incorporate with the city's and then they would provide it to the Coastal Conservancy for their approval so that the project can be funded through the Coastal Conservancy.

Councilmember Vreeland asked about the Land's End access.

Deputy Public Works Director Ocampo stated that they had a meeting with the owners of Land's End, including their consultant, and understood that they were in the process of hiring an engineer who would do the design for the stairs and provide beach access. He understood that they have sent the City their intent to hire a certain firm and that would be the starting point to do the design.

Councilmember Vreeland stated that he would like this item to come back to the Council in approximately June when they were getting ready to start the work so the Council can check in on it.

Mr. Willoughby asked if it would be back on the calendar as a consent issue.

Deputy Public Works Director Ocampo stated that, assuming that the plans are okay and everything checks out, they would be going back to the Council to take action on their recommendation to approve the agreement between the City and the property owners for access.

Councilmember Vreeland asked confirmation that it was coming back on the 23rd.

Mr. Willoughby stated that it was his understanding.

Deputy Public Works Director Ocampo reiterated that it would if all the plans were submitted.

Councilmember Nihart asked for the definition of a vertical access, asking if it was a path with an incline or stairs.

Deputy Public Works Director Ocampo stated that vertical access would mean that from the bluff it would allow beach goers to go down to the beach.

Councilmember Vreeland understood that, but she asked if that was what they were talking about.

Deputy Public Works Director Ocampo stated that was for this project. He stated that at Land's End it was possible that they would put stairs. Mr. Willoughby's project would be like a ramp.

Councilmember Nihart asked if it was basically a path.

Mr. Willoughby stated that there was an existing ramp, and they would use the ramp to take the rocks down to the beach.

Deputy Public Works Director Ocampo wasn't sure which access she was talking about, because Land's End was stairs and the other was a ramp.

Councilmember Nihart stated that she was asking about this project.

Mayor Lancelle asked if this was the same ramp the City used previously.

Deputy Public Works Director Ocampo stated that it was used as an access for the rock revetment along the 500 block. He stated that the difference was that the ramp would head towards the beach then turn towards the north to provide a longer ramp for ease of beach access.

Mayor Lancelle opened public comments.

Deirdre Finnegan, 320 Esplanade, thanked everyone for hearing their plea to expedite the process and work together as a community. She again asked that everyone expedite the process, adding that, in the previous night's rains, she had lost about ¼ of a foot.

Mayor Lancelle closed public comments.

Mr. Willoughby stated that there was an engineer on call and, if they decide that there is a problem with the bluff, he can have him and his crew out to make a decision on what to do immediately. He added that he also photographs the bluff each weekend and uploads to the staff geologist at the Coastal Commission, as well as the USGS, his engineer and the owners. He added that, while he worked for the owners, the safety of the tenants was paramount.

Councilmember Vreeland stated that he understood that it would be on consent.

Deputy Public Works Director Ocampo responded affirmatively.

Councilmember Vreeland asked that they also look at it in June because there would be a lot of equipment, people, effort, work, etc., and local merchants have asked how they can clean that area up. He would like to look at it when they finish the work, to make simple improvements to make a blighted area look a lot more attractive.

Mayor Lancelle agreed that the spirit of what he was saying was working together.

Mr. Willoughby stated that the owners would agree that this was a community project.

Mayor Lancelle added that the bluff area was an asset for the neighborhood. She thanked everyone for coming and speaking.

11. Status of Various Transportation and Pedestrian Projects Along Highway 1.

Deputy Public Works Director Ocampo presented the staff report.

There were no public comments.

Councilmember Vreeland stated that he had asked the City Manager for a copy of the letter on which the staff report was based and he asked that the City Clerk make it part of the records for the meeting. He then mentioned that they had a meeting with Caltrans on the San Pedro Headland trail.

Deputy Public Works Director Ocampo stated that it was schedule for March 3 but they hadn't confirmed the date yet.

Councilmember Vreeland informed the Council that they were moving forward on that issue to continue having a dialogue with Caltrans as to how the property issue would be resolved. He was bringing this up to assure that all agencies were saying the same things at the same point. He understood that, on the Calera Parkway project, Caltrans and the Transportation Authority were the lead agencies.

Deputy Public Works Director Ocampo stated that the San Mateo County Transportation Authority was the primary lead, and the City was formatting the environmental document on Caltrans' format because it was a Caltrans facility.

Councilmember Vreeland reiterated that the City was supporting the project as much as they can, but Caltrans and Transportation Authority were driving the schedule and cost.

Deputy Public Works Director Ocampo stated that they were called a co-sponsor but essentially that was what it was.

Councilmember Vreeland wanted to clarify that because there was a sense that it wasn't moving forward when it was actually moving forward very quickly based on the Transportation Authority schedule. He then mentioned the San Pedro Creek bridge replacement, and suggested that both the City Attorney and City Manager look at it because he felt they needed to send a letter to Caltrans clarifying the issue. He understood that this was being bounced back and forth between

agencies at this point. He felt the issue was whether it was a structurally sound bridge, a constraint to flooding for lower Linda Mar Valley, or a habitat issue. He asked for confirmation that Pacifica did not build the bridge.

Deputy Public Works Director Ocampo stated that Caltrans built the bridge in 1954, before the City was incorporated.

Councilmember Vreeland stated that they needed to be very clear about the issue because of new flood maps coming out from FEMA that would be looking at new flood areas. They needed to make sure Caltrans understood that it was their responsibility to address this bridge. He felt that Caltrans was looking at the bridge from a structural point of view, but that wouldn't address flooding, and they needed to look at the impact of their structure on our community. He encouraged them to send a letter that he and the Mayor can sign that highlights this issue for Caltrans, stressing that they needed to look at it differently than just checking the structural stability of the bridge.

Mayor Lancelle agreed with his comments and was in support of it.

Councilmember Vreeland asked that the Deputy Public Works Director and the City Manager draft a letter to send to Caltrans.

Mayor Lancelle was agreeable to signing it, but she felt that Councilmember Vreeland should also sign it as the Transportation member.

Councilmember Vreeland stated that they needed to at least respond to the letter and that was why he put it on the agenda.

Mayor Lancelle appreciated that, agreeing that they needed to be proactive and address problems before disaster hits.

Mayor pro Tem Digre stated that, if there was a draft, she didn't see it.

Mayor Lancelle stated that it was the letter and it came with a draft cooperative agreement.

Mayor pro Tem Digre if there were any other dates on any of those issues.

Councilmember Vreeland stated that was the only meeting, which he had set up.

Deputy Public Works Director Ocampo stated that the meeting was specific to the property of Disney Construction.

Councilmember Vreeland reiterated that it was specifically to the San Pedro Headlands Trail project. He asked if they should be able to get all the Councilmembers copies of any of the attachments.

Mayor pro Tem Digre asked if there was anything coming before them on any of those issues.

Deputy Public Works Director Ocampo stated that there were none.

Mayor Lancelle thanked him for the update.

12. Maintenance of Medians and Other Public Land and the Opportunity for Murals in the City.

Mayor Lancelle opened public comments.

Mike Mooney, 1009 Everglades Drive, stated that this was his bag. He mentioned that he had a picture taken in 1996 of the Linda Mar traffic median with the Christmas tree. He then gave a history of what he tried to accomplish then and suggested that they call him if they have any questions. He was aware of a liability in allowing people to adopt the islands.

Mayor Lancelle closed public comments.

Councilmember Vreeland stated that he had asked this to be on the agenda because Mr. Mooney had approached him about the median strips and they thought they could put something together. He thought Mr. Mooney was probably going to talk to the City Manager about whether the Garden Club could adopt the median strips. He thought they could look for a way to do this. He mentioned that Ace Hardware had provided plants and the Council had planted them. Mr. Mooney ran into a stumbling block and he wondered if they could give direction to staff to look for a way around the liability issues. He stated that he had also been approached about murals and there appeared to be some lack of clarity as to what city department should look at it. He hoped they could direct staff to have this on the Planning Commission agenda to look at murals, public art, etc. and come back to the Council with recommendations on how they can do this. He felt these ideas got lost in bureaucracy and the Council should be able to work on identifying clarity on how the process works.

Mayor pro Tem Digre thought Mari Brumm-Merrill had started a file on murals. She suggested they check with PB&R. She stated that there were several groups interested in this, and she had kept a file.

Councilmember Nihart thought they should have a process to do this. She would leave that to the City Manager for recommendations but she would be willing to help.

City Manager Rhodes stated that there was a system which he had already explained to Councilmember Vreeland. It goes to PB&R to begin the process, then there was an ordinance that says it goes to the Planning Commission. He stated that there was one now for the Chit-Chat Café, and it worked when people bring it forward.

Councilmember Nihart asked if the same process worked for medians.

City Manager Rhodes stated that they would have to look into that because Public Works would handle that.

Mayor Lancelle asked if someone had an idea for a mural, they go to the PB&R.

City Manager Rhodes stated that it would go to PB&R, and then it would go to permitting in the Planning Department for approval by the Planning Commission.

Mayor Lancelle asked who would initiate the process, an artist or a business.

City Manager Rhodes stated that it would be whomever would like to bring it forward. The citizen who was bringing it forward for the Chit-Chat Café was not the artist, but was planning to get an artist to do the mural.

Mayor Lancelle asked about how it would be if it was on a City structure.

City Manager Rhodes stated that it would be the same process.

Mayor Lancelle asked if it would be initiated by the City as the owners and they would go to PB&R.

City Manager Rhodes responded affirmatively.

Mayor pro Tem Digre asked if they had a process for getting the word out to the public that this was a possibility and how to do it. She stated that was the direction that PB&R was going on it.

Councilmember Vreeland stated that he was glad the process was so clear, because he didn't think it was clear to the people coming to the city. He thought maybe it was PB&R that should have an agendized item to talk about how they advertise the interest in it. He stated that he knew of two murals that never went through the Planning Commission, but he was sure that there was interest and the City needed to make the process clear and transparent.

Councilmember Nihart stated that she wasn't sure what he was talking about, but possibly murals that were part of another project. She didn't realize what the process was, and she thought making it clear to the public would be helpful. She would like to facilitate having people work with the plants in the medians.

City Manager Rhodes stated that he would followup on that and report back to them.

Mayor Lancelle stated that it sounded that it would be good for the PB&R to have an item on their agenda to review the process regarding murals.

City Manager Rhodes stated that he would talk with the PB&R Director about that.

Mayor Lancelle thought that was what they were looking for because there was an interest in the community and they didn't want those who had good ideas to become frustrated. She stated that her experience with the Chamber of Commerce was that they did an adopt-a-highway on the on and off ramps. She thought maybe the issue was concern about having people on the medians.

City Manager Rhodes thought they had just not sat down and put together a process.

Mayor Lancelle mentioned that in the past Larry DeMartini had designed bright green t-shirts for volunteers doing this kind of work and she thought this would bring more people into it.

13. Amendment to Contract Services with Lamphier-Gregory, Consultant for Environmental Review Services for the Manor Drive Overcrossing and Northbound Milagra Drive On-Ramp Project.

Councilmember Vreeland stated that his only question was about the timing of when the report would be done.

Planning Director Crabtree stated that the original scope of work projected about 20 weeks of time, which started in October. They were not quite halfway done. He felt they were still on schedule to have it completed.

Councilmember Vreeland asked when they were looking at using the acceleration lane as an onramp.

Planning Director Crabtree thought Deputy Public Works Director Ocampo would have a better idea. Planning was taking it through the environmental process but he would be implementing it.

Councilmember Vreeland stated that they were looking for general time frames. He thought the on-ramp was a simple solution.

Deputy Public Works Director Ocampo stated that they had scheduled a meeting with Caltrans, but it would depend on the person with whom they meet. He stated that, in the past, they had agreed with using the length of the acceleration lane and they would not have to do anything special to lengthen it. He stated that his recent contact indicated that they hadn't totally agreed to that, and to answer the question was difficult because it was dependent on Caltran. If they want more acceleration lane, they would have to alter the median or the retaining wall which would be costly.

Councilmember Vreeland asked how we work to get resolution from Caltrans on this.

Deputy Public Works Director Ocampo stated that it would be the meeting where they will document it and send a confirmation about it to hold them to what they discussed during the meeting.

Mayor Lancelle stated that she would need clarification on what he just said.

Councilmember Vreeland stated that he could have any meeting he would like to, but he thought it should be followed up with a letter from the Mayor to make sure they address these things. He stated that they told him this was an option because it was going down hill and they didn't need the same length of acceleration. He felt it was a simple improvement for the Manor traffic problem, and he felt Caltrans needed to work with them to let them implement this solution.

Deputy Public Works Director Ocampo stated that those things were pointed out when they met with the District Chief.

Mayor Lancelle stated that they had talked about this years ago because it was a good idea to relieve the traffic congestion, and she was confused about this. She asked if they needed a permit from Caltrans.

Deputy Public Works Director Ocampo stated that they needed the permit because the work to be done was on their right-of-way and was subject to their review and approval. He stated that, in the past, they had made exceptions if it didn't meet the current standards which they were now hoping for.

Mayor Lancelle thought a letter was a good idea. She asked if they looked at this site when they met with Caltrans.

Deputy Public Works Director Ocampo stated that Caltrans was aware of this and were familiar with the area, particularly with this proposed on-ramp.

Mayor Lancelle reiterated that Caltrans was familiar with it and they were taking a while to go through their process.

Deputy Public Works Director Ocampo stated that there were a number of divisions that had to review the plans.

Mayor pro Tem Digre asked about the traffic lights at the other end of Manor, and whether they had looked into the concerns about the ability for trucks and buses to turn.

Deputy Public Works Director Ocampo stated that was the reason for the widening. It would occur at the cub returns in order for the buses and container trucks to flow through the intersections more smoothly.

Councilmember DeJarnatt stated that, for Caltrans, this was fast. He mentioned the flood control project where they had to get the state assembly to approve a bill demanding that they give the city a parcel of land that they acknowledged they no longer needed. They finally had to send deposition notices to higher ups at Caltrans before they gave it to them.

City Attorney Quick added that they had to sue them to compel them to turn over the land that the legislature required them to turn over to the City.

Councilmember DeJarnatt agreed that keeping on it was very important and they needed to do that.

Mayor Lancelle adjourned the meeting at 10:45 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 2/23/09 5-0

Julie Lancelle, Mayor