MINUTES

City Council Regular Meeting 2212 Beach Boulevard Pacifica, CA 94044 February 23, 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. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9. One potential case.
- 2. PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): Conference with legal counsel-initiation of litigation. Initiation of litigation pursuant to subdivision (c) of Section 54956.9. One potential case.

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; Jim Saunders, Police Chief; Rich Johnson, Deputy Fire Chief; Maria Aguilar, Asst. Engineer; Kathy

O'Connell, City Clerk.

Mayor pro Tem Digre led the Salute to the Flag.

Commission Liaison: Open Space Committee member Chuck Evans.

Chamber Liaison: None.

CLOSED SESSION:

None.

CONSENT CALENDAR:

Councilmember Vreeland requested that Item #4 be moved to Consideration.

Councilmember DeJarnatt moved approval of the Consent Calendar, as amended, as follows: Approval of disbursements dated 01/07/09 to 02/04/09 in the amount of \$446,739.28, regular and quick checks numbered 81801 to 81805, 81807 to 81811, 81813, 81815, 2666 to 2680 and 2801 to 2941, as set forth in Item #1; Approval of Minutes of regular City Council meeting of February 9, 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; Approval of Agreement for the Provision of Election Services with the San Mateo County Chief Elections Officer, as set forth in Item #4, moved to Consideration as Item #11; Approval of Contract Agreement with the

Pacifica Police Department and Data911 for the Upgrade and Replacement of Police Vehicle Computers and Digital Video Systems, as set forth in Item #5; Approval of Resolution Authorizing Disposal of Certain Obsolete City Documents and Papers, as set forth in Item #6; Adoption of a Resolution Accepting the Grand Deeds of Perpetual Easements for Drainage Purposes Related to the Olympian Sussex Drainage Improvement Project, and Authorize the City Manager to Execute any Necessary Documents, as set forth in Item #7; seconded by Councilmember Nihart.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion carried: 5-0.

SPECIAL PRESENTATION:

Anna Boothe, Director of POPS, was present with their Vice President Andy Pappas to present the 2009 award for community service to Pacifica and the Pier to Elaine Larson and staff of *Pacifica Tribune*, represented by Jane Northrup and Cindy Caldwell. She acknowledged their accomplishments in the appearance of the local paper which provided news, straight and on time. She then gave a brief report on the status of work on the pier as well as inviting everyone to check out their new website, pacificapierpops.org.

Andy Pappas then reported on the status of crab catches on the pier. He also mentioned that visitors have come to our pier from Germany and Russía, recognizing that our pier was one of the best in Northern California.

Anna Boothe then presented the plaque to Jane Northrup representing Elaine Larson and staff. She stated that they also had flowers for Cindy Caldwell to take home.

Mayor Lancelle read a description of the Pacifica Sports Hall of Fame as well as inviting the community to the annual induction ceremonies of five Pacificans, Mike Cristofani, Cory Cafaratta, Sheila Hyman, Dan Shwaba, and Kim Yonanaka. She then proclaimed February 23 to 28 as Pacifica Sports Hall of Fame Week and presented Horace Hinshaw the proclamation.

Horace Hinshaw thanked the Council for the nice words. He also invited everyone to attend the dinner.

PUBLIC HEARINGS:

None.

COUNCIL COMMUNICATIONS:

Mayor pro Tem Digre stated that the Gold Star Moms were having an annual meeting in San Francisco and asked that everyone keep them in their thoughts.

Councilmember Nihart thanked the Pacifica Police Department for her ride-along. She appreciated everything they did for her that night. She also reported that POOCH was doing its first fundraiser with field demonstrations, etc., and tickets were available on their website.

Councilmember Vreeland thanked the Pacifica Democrats for hosting a meeting with Pacifica Connected and the Library group on Saturday, stating that they had done a wonderful job with bringing people up to date with what was happening with Pacifica Connected. He thought it was clear that they were together strongly and it would help the City solve the library problem. He mentioned the status of the benches of the pier, suggesting that Andy Pappas and Van Ocampo discuss the damage to the benches and any other maintenance issues. He also mentioned that the bathrooms were getting better and the café was doing a wonderful job. He thought it was a positive experience. He also congratulated the *Tribune*. He mentioned flooding on the 16th fairway and asked the City Manager if the golf course was closed.

City Manager Rhodes stated that he didn't know the status.

Mayor Lancelle stated that they just leave out a few holes but still pay.

Councilmember Vreeland acknowledged that they could do temporary things, but he was concerned about the level of the water and wondered about what they could do to get San Francisco's attention. He asked that someone check to make sure they didn't have a problem with issues.

Mayor Lancelle stated that they paid close attention to that at the golf course, but she agreed that someone could follow up on that. She stated that she would be happy to check.

Councilmember Vreeland thanked the Pacifica Beach Coalition, with a lot of people out on Saturday doing cleanup. He mentioned that they were supposed to have a meeting on polystyrene and wondered if it was rescheduled. He hoped they could continue working with the Chamber to keep the dialogue moving forward.

Councilmember Nihart thanked Public Works for working with the school district to work on the repaying of Terra Nova Boulevard during ski week. She felt that was good planning.

Councilmember DeJarnatt reported that San Francisco had replaced the culvert under the berm at Mori's Point, and he thought that would allow them to pump the water out faster than previously. He stated that he would call the manager and check on the status.

Mayor Lancelle mentioned the Community Emergency Response Team Training, stating that it was excellent training. She stated that they would also be having training in Pacifica this year. She encouraged as many as possible to take this free training, adding that they would then get free equipment and be identified as a CERT trained volunteer. She stated that there were brochures in the back or they can be picked up at City Hall. She also stated that Assemblyman Jerry Hill would be in Pacifica.

City Manager Rhodes stated that he was scheduled on the 14th.

Mayor Lancelle acknowledged that it would be on March 14 at 10 a.m. at the Community Center. She stated that, on April 1, the San Mateo County Mental Health Board would be meeting here, and would be about the services available to individuals and families during tough economic times. She had been following the issue with the dollar radio station and felt it was deserving of some recognition as a historic site. She reported that she had gone to the American Legions speech contest, mentioning that the young people had done terrific jobs. She also went to Half Moon Bay with Noel Blinco and Clark Natwick. She also attended a Mayors and City Managers meeting in South San Francisco, stating that it was productive and informative, and would share

with anyone interested in knowing about it. She went on a site tour for potential bicycle and pedestrian projects for this year's funding.

Councilmember DeJarnatt reported that the Pacifica School Volunteers were sponsoring Read-Aloud Days at Ortega School and Sunset Ridge. He suggested that anyone interested in reading could call the Pacifica School Volunteers. He stated that they would also be having their book sales at both Starbucks stores on April 25.

ORAL COMMUNICATIONS

Mayor Lancelle opened Oral Communications.

Breck Hitz, Pedro Point, stated he was representing the Pacifica Library Foundation. He thanked Councilmember Vreeland for his kind words and Mayor pro Tem Digre for her participation in the event on Saturday. He thought everyone knew that the mission of the Library Foundation was to provide quality library service to everyone in Pacifica, which meant providing a new 21st century library, although he acknowledged that the present libraries were nice. He stated that there were lots of 21st century libraries, mentioning the San Carlos Library as an example. He stated that Pacifica Connected was formed to provide a forum for discussion about what Pacifica wanted and needed in a library. He stated that they would have meetings with all city sectors to discuss what they should do or can do, and anyone could find out about was being done by going to their website.

Mayor Lancelle acknowledged the incredible job they have done and thought they would produce a fabulous outcome.

Kathy Meeh, 1276 Alicante Drive, thanked the City Council tonight, especially Mayor pro Tem Digre, for insisting that City Council study sessions be televised. She also referred to her 3-step process to improve project communications with the public, mentioning that communication to the public seemed to be an ongoing challenge. She acknowledged that some people didn't have cable television but could view the civic meetings on the internet at Pacifica Community Television. She then referred to the Pacifica Democrats' meeting when a citizen went into a rant, and she was pleased to hear Councilmember Vreeland refer to the sweet deal when the developer, Oddstad, helped build schools and included space for shopping centers and parks, etc. She referred to the nation being on the edge of a depression and mentioned the City's own "self-inflicted recession" with half truths, etc. She stated that she had the impression that Councilmember Vreeland understood the issue of advancing the City, but "we've been there before." She concluded that, if we want something better for Pacifica, we should make it happen.

Anne Roake, Pacifica, stated that she was present on behalf of the tenants of 380 Esplanade. She hoped they were aware of the article in the *Tribune*. While she didn't think there was much they could do, she wanted them to be aware of what was going on. She mentioned that she had a lease and attended a meeting where they were told by Aimco that the apartments would be renovated following an eviction notice. She stated that they had gone back on their word, and she was in the middle of a construction zone which looked like a tenement slum. She then mentioned all the lawsuits filed against Aimco in other parts of the country.

Tod Schlesinger, Linda Mar, stated that, because of the big sales tax agenda item at the previous meeting, he didn't get to say anything about the monster house issue. He asked if he was wrong when he thought Councilmember DeJarnatt had said he was in a 1,100 sq. foot house and his brother-in-law was in a 3,500 sq. foot house.

Councilmember DeJarnatt stated that he didn't have a brother-in-law.

Mr. Schlesinger acknowledged that he might have heard it wrong, but stated that it wasn't appropriate because it he shouldn't penalize property owners because his house isn't big enough.

Councilmember DeJarnatt suggested that he look at the minutes because he didn't get the gist of it.

Mr. Schlesinger then referred to Mayor Lancelle making a comment about conflicts becoming personal, and he stated that he had been attacked vehemently across the board and had not cried about it. He suggested that they stick to the issues of running the City, which wasn't being done well. He then suggested that they give Nancy Hall the sludge for her garden since she thinks the wastewater treatment plant is working and he felt it wasn't.

Jeff Simons, 231 Beaumont Blvd., stated that he was speaking in support of the woman speaking about the tenants at Esplanade. He was following their story, adding that there was precedent for the City to get involved, mentioning the Shelter Cove situation. He felt the situation needed to be looked into and they deserved the City behind them.

Mayor Lancelle closed Oral Communications.

CONSIDERATION

8. Recommendation by the Financing City Services Task Force for the Adoption of a Local Sales (General Transactions and Use) Tax Adopt Ordinance Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization Second Reading.

City Clerk O'Connell presented the staff report.

Councilmember Nihart asked about the timing schedule and how they go about doing it.

City Attorney Quick explained that at the previous meeting the Council adopted a resolution to place the measure on the ballot, introduced the ordinance, and authorized the Council to prepare a ballot argument and authorized rebuttal arguments. The only one before them was the adoption of the ordinance. She explained that they could discuss changes, but to make changes they would need to rescind the prior action and have a special meeting to adopt the new ordinance.

Councilmember Nihart asked if they had to do it this week.

City Attorney Quick stated that they should do it no later than Friday to give adequate time for people who may wish to do primary arguments again.

Councilmember Vreeland clarified that, to discuss looking at any changes, they had until Friday to do that.

City Attorney Quick reiterated that, if the Council directed staff to come back with changes, she would do it by close of day Friday.

Councilmember Vreeland felt they should look at modifications to the length of time and potential amount.

Mayor pro Tem Digre stated that she had asked questions about sunsets and apologized to the Council and community for not catching that before they voted.

Councilmember Nihart asked if they were not allowed to talk about the content of the changes.

City Attorney Quick stated that what was agendized was a recommendation by the Financing Task Force for the adoption of a local sales tax ordinance and they could talk about the content of the tax but it was introduced so they couldn't change anything without reintroducing it.

Councilmember Nihart stated that she asked to make sure that was clarified.

Mayor Lancelle asked if, after the public spoke and the Council wanted to change some of the terms of the ordinance, they could say what they would like to have on that proposal.

City Attorney Quick clarified that they could. She stated that they were in the questions to staff portion, and they would then open to public discussion and then deliberate. If there was a consensus that the Council desired changes, they would not have a lot of time, so she suggested that they direct staff to return with the changes in place in the documentation.

Mayor Lancelle opened public comments.

Bernie Sifry, Pacifica, asked the Council to consider the changes taking place in the environment in this state since last time they met. He mentioned that the state was planning a tax increase and the county may also, and he suggested that they go for a 2% TOT, because that would probably pass since it won't cost the residents anything. He admitted that it wouldn't bring in as much as a sales tax, but it had a better chance of passing than the sales tax.

Julia Boyle, Vallemar, stated she thought that, with the state imposing a 1% sales tax, we didn't have a chance in Pacifica. She also felt that wasn't the best solution for us. She felt they should look at what we have and fund the Fire Department with the reserve and work on the budget. She felt they needed to find a solution to bring in more industry and be nicer with the businesses already here in Pacifica.

Frank Erbacher, Pacifica, thanked the Mayor for spending time with him to explain some of the financial issues and the sales tax proposal, as well as Councilmember Nihart who also spoke to him. He stated he was not interviewed by the survey, and mentioned that he had now studied the minutes regarding the resolution, as well as the proposed ballot measure. He assured them that he did support Council's realization that they needed funding for all the City's activities. He felt that their surveys might be invalid now because of the action of the state on a tax increase and he felt they should take time to consider matters and not do the sales tax now.

Jeffrey Simons, 231 Beaumont Blvd., thanked Council for putting this back on the agenda because of what was happening in the state. He didn't believe that we needed to have a sales tax, but if we did go forward, he felt a half cent was a better plan or it might be self-defeating by forcing businesses out of business. He suggested that they use the reserve for now and wait on the sales tax plan.

Anna Boothe, Pacifica, stated that she was in support of the sales tax, because she felt they needed something solid over a few years. She also felt that Pacifica was the best managed city and best off because we had a timely budget and were not facing bankruptcy or closing City services. When she went to the study session, they convinced her that we needed something and a parcel tax had a bad flavor because of the fire assessment. She felt we needed help now, and felt the sales tax was the best idea and she only suggested that it have a sunset. She supported the sales tax and hoped her fellow citizens did also.

Mark Stechbart, Pacifica, felt the sales tax would not pass. He felt unemployment was at a 16-year high and was getting worse. He stated that people would not place much trust in the Council and their confusion underscored that. He mentioned that he had suggested a sunset which was ignored. He suggested that they hold the next meeting after the publication of the Tribune which would be Thursday or Friday, and he suggested they "re-up" the fire tax and dedicate 100% to the fire department with a sunset of three years and also have an economic plan to avoid getting into this jam again. He mentioned that they should forego their Council perks.

Tod Schlesinger, Linda Mar, mentioned that Councilmember DeJarnatt ran his reelection campaign on the fact that they now had a reserve. He also mentioned that Admin. Services Director Ritzma would not disclose how much was in reserve. He felt any reserve was there for this situation. He then stated that we wouldn't be in this situation if the Council had done its job over the years, mentioning that we had sites for redevelopment and were advised by the Urban Land Institute to have them developed. He then stated that everyone would be surprised that he supported the sales tax, adding that no matter how much they had, they couldn't do the job. He compared the elected officials to those in Washington, D.C., questioning why they let the same people who ran the economy into the ground have more power to dictate where the money goes. He than asked Anna Boothe where she was getting her numbers, mentioning how many staff have been let go.

Pete Shoemaker, Pacifica, reminded Council that they have been up for reelection and have been supported by Pacificans solidly. He felt they were in a tough position. He stated that he was on the committee that had recommended the sales tax. He mentioned that the state had done what they hoped it wouldn't do. He felt they were on a tight deadline in a tough situation. He thought it was important to have a sunset clause but he wouldn't do it for less than five years. He stated that it was a tough job and he thanked them for doing it.

Kathy Meeh, 1276 Alicante Drive, stated she didn't know what would work on a sales tax to fix the long term problems they have in the City, mentioning some of the previous taxes and fees. She mentioned that other cities had proposals being planned but they were not passed. She then stated that they had to stop relying on the citizens through fees and taxes. She stated that they should work on development rather than put another bandaid on solving the problems, acknowledging that they were all smart and suggested that they just do it.

Susan Getchel, Pacifica, stated that she was on the committee that recommended the sales tax. She stated that there was a consensus to go forward with the 1% sales tax. She stated that they had gotten a handout with a list of the different cities that had gone forward with .25% up to 1% sales tax. She felt the City needed a revenue stream to support vital services and she encouraged them to go forward with a 1% sales tax which was more equitable than the parcel tax.

Mayor Lancelle closed public comments.

Councilmember Vreeland asked the City Manager what the current sales tax in San Mateo County was.

City Manager Rhodes stated that it was 8.25%.

Councilmember Vreeland stated that, with the state's action, it would be 9.25%.

City Manager Rhodes responded affirmatively.

Councilmember Vreeland asked if the City had laid off 25% of their staff.

Admin. Services Director Ritzma stated that they had not laid off 25% of their staff.

Councilmember Vreeland asked if she knew what people were talking about.

Admin. Services Director Ritzma stated that she didn't know, other than that they had frozen positions in the past but those positions have been filled over time.

Councilmember Vreeland asked clarification that the fire suppression assessment tax would be sunseting this year.

City Manager Rhodes stated that it would be in June.

Councilmember Vreeland stated that this was a replacement tax and, as Susan Getchel mentioned, they would have to spend \$7,500 to come up with the same amount.

City Manager Rhodes responded that he was correct.

Councilmember Vreeland then stated that a sales tax would be paid by anyone who goes to Safeway or another business.

City Manager Rhodes stated that he was correct, and applied to resident and non-resident whereas the property taxes were just for the property owners.

Councilmember Vreeland stated that the people who come to enjoy our trails, beach, etc., do not pay taxes in town but they would participate with the sales tax.

City Manager Rhodes again responded affirmatively.

Councilmember Vreeland asked if we currently had a sales tax.

City Manager Rhodes stated that we did.

Councilmember Vreeland asked what the amount was.

City Manager Rhodes stated that it was 1 cent.

Councilmember Vreeland asked where the 8.25% went, because he thought there was a perception that the City got all that money.

City Manager Rhodes explained that 5 cents of that went to the state.

Councilmember Vreeland stated that we have seen what they have done with that money.

City Manager Rhodes stated that 1.25 cents goes to the county and half a cent for transit and Caltrain gets half a cent, Measure A gets half a cent and the City gets 1 cent.

Councilmember Vreeland mentioned that we didn't get too much of the tax money but adding the 1% would spread the tax to people other than property owners. He felt that was why the consultant came to the conclusion for the tax. He mentioned that there were several committee members present and thanked them for their work. He stated that they weren't rushing things, because things have changed in the state, and they needed to look at this. He personally felt they needed to be successful, because it would be difficult to address the budget impacts if they were unsuccessful. He stated that they were asking the voters to replace one tax with another. He felt that if they didn't replace the tax, the \$1 million would not be part of the budget and the City would have to deal with that and he didn't think they were in a position to do that. He mentioned that they would have to have a special meeting if they changed anything in the resolution. He asked confirmation from the City Attorney that there was time to do that.

City Attorney Quick responded affirmatively.

Councilmember Vreeland stated that they had to look at some sort of sunset, and he thought five years might be too short, and it should be an odd number to put it on a normal election cycle in the future. He also felt they needed to reduce the amount, and he suggested .75% which would put it at 10% and it would be align with other cities in the state. He didn't want to be in a situation where they do this and, as some speakers have said, not be able to fill the void. He didn't see that this was a bandaid but a thoughtful plan to address a serious problem, which every city and state was wrestling with. He was suggesting that they show what the tradeoffs are in a transparent form.

Councilmember DeJarnatt agreed that a sunset clause was important, thinking 5 or 7 years, and agreed that it needed to be an odd number so that it would be considered at a main election year, maybe making it 9 years. He agreed that they were taking a thoughtful approach to a problem every city was facing, including San Bruno. He thought a sales tax was the most equitable and fair way to go about it. He thought about dropping the percentage to .75% but he was leery because the sales tax was running \$1.2 million and he thought it might fall back to \$1 million. He thought cutting it would make it less than the projected \$1.7 million. He had considered the .75% because he wanted this to pass.

Councilmember Nihart asked the Finance Director if she was correct that the state sales tax was for three years.

Admin. Services Director Ritzma responded that it was for three years.

Councilmember Nihart asked if there was an opportunity for the voters to come forward to extend it.

Admin. Services Director Ritzma stated that there was that opportunity.

Councilmember Nihart mentioned that the election would be in May.

Admin. Services Director Ritzma stated that there were seven ballot items.

Councilmember Nihart reiterated that it would be an extra 1% for the state for three years.

Admin. Services Director Ritzma responded affirmatively.

Councilmember Nihart agreed that a full 1% put them with Southgate, but there were several cities that were close, acknowledging that the economic situation was not going to improve anytime soon. She commented that, in terms of economic development, that all takes time. She then stated that she was fine with a sunset of 9 or even 11 years.

Mayor pro Tem Digre agreed with most of the comments. She felt the tax would be more equitable than the parcel tax. She stated that we needed money and were in a City where erosion could take over any moment, and our infrastructure was waiting to collapse. She felt they needed to save the reserve for such an emergency. She was in favor of a sunset and would rather go with 9 years. She would prefer to keep the 1%.

Mayor Lancelle didn't want to reiterate everything everyone said. She summarized that most people didn't realize that the fire tax would expire in June. That was why they were being proactive in finding a way to replace that. She commended the committee who worked on the proposal and reiterated that it was the committee that gathered the information and made the recommendation, as well as conducted the survey. Then the Council will put it to the voters to decide what they would like to do. She felt spending the reserve would be irresponsible of them to do, adding that they could only assume that there will be more state takeaways from the cities. She felt that the City was trying to create a durable revenue that cannot be taken from us and a sales tax would ensure that everyone in the community will share the burden, as well as out of towners. She added that the sales tax would not be on food or drugs.

Councilmember Vreeland asked the City Attorney what the process would be.

City Attorney Quick stated that they wouldn't be taking an action to adopting the ordinance because they weren't planning on adopting it as written. The action would be to direct staff to schedule a special meeting and return with a revised document that reflected the changes.

Councilmember Vreeland asked how they get a sense of the Council thinking without taking a vote.

City Attorney Quick stated that she was struggling because she would rather not bring more than one document which would be easier and fairer for the public. She thought everyone was on board with a sunset of 9 years, but she wasn't clear about whether it should be 1% or .75% because they were split on that.

Councilmember Vreeland stated that he was hearing that, if they didn't take an action on the original ordinance, they should set a time for a special meeting between this meeting and Friday.

City Attorney Quick reiterated that they don't take action on the adoption, because they will reintroduce an ordinance. So they will direct staff to set up a special meeting to redo the action to put the sales tax on the ballot with the changes discussed. She stated that it appeared that the Council would like a document with a 9-year sunset, but it was not clear if they were interested in leaving it at 1% or .75%.

Councilmember Vreeland asked if they have to have another special meeting if she drafts something at 1% and they go for .75%.

City Attorney Quick stated that they wouldn't have to because at the special meeting the documents would be presented but they could change them at that point.

Councilmember Vreeland asked again if they said .75% and 9 years, then at the special meeting they can change those figures.

City Attorney Quick responded that they could change the figures at the special meeting. She would bring the documents with the changes.

Councilmember Vreeland again asked, if they say .75% and 9 years, then those figures could change.

City Attorney Quick stated that she would bring the documents forward with a cent amount and add a sunset clause. The purpose of the special meeting will be to take the action but they can change the numbers at that meeting.

Councilmember Vreeland asked if that changed anything at the back end of the election with all the notification requirements.

City Attorney Quick stated that they would have to be done over.

Councilmember Vreeland acknowledged that they would be done over, but he asked if the timing would change.

City Attorney Quick commented that the timing would not change. She stated that if they take action on Wednesday up to Friday, and she brought it forward with the sunset clause and, after discussion, they decide on a different term, they adopt it with the revisions, and she would make the corrections. They would not schedule another meeting. She and the City Clerk would work on resending all the notices, but it wouldn't change the timing.

Councilmember Vreeland was asking to be sure that everyone understood that they weren't making the decisions tonight, and there was flexibility. He would like to recommend that they have a special meeting to talk about it, look at a 9-year sunset and look at a .75%. Then following that he recommended that staff look at how this all fit together. He would like to have the meeting on Thursday.

Councilmember Nihart agreed that they weren't going forward now. She also agreed that it would be irresponsible to spend down the reserve, mentioning that they had a tremendous amount of unknowns. She mentioned Prop. 63 money on the ballot and she was concerned about that, as well as child welfare cuts and education cuts. She acknowledged that it didn't impact them directly but did impact a lot of other things. She also felt they needed to look at what the mood would be. She was glad she didn't have to make up her mind about the actual amount until Thursday.

Mayor pro Tem Digre stated that she was good with everything, but was still thinking of 1%.

Councilmember Nihart referred to Councilmember Vreeland asking about whether we currently had a tax, and she asked if we had our share like all cities do but no additional tax.

City Manager Rhodes responded affirmatively.

Councilmember Nihart was just making sure that it was clarified that it was the one tax amount that all cities had.

Mayor Lancelle reiterated that information.

Councilmember Vreeland asked the City Manager if Pacifica has ever voted for a sales tax.

City Manager Rhodes stated that he was not aware that the City ever had.

Councilmember Vreeland appreciated that clarification. He mentioned that people have talked for years about keeping the revenue local and this was the first time we will be voting on keeping the taxes local.

Councilmember Nihart explained that her interest in these local taxes was the issue of having so much given to the state on an ongoing basis and never knowing when they were going to ask for more but this would stay home.

City Attorney Quick asked if they had a consensus on the date.

Mayor Lancelle stated that Thursday was difficult because she had a county meeting.

Councilmember DeJarnatt asked if Friday was good.

Mayor Lancelle stated that it would be fine.

Councilmember Vreeland stated that it was his birthday and he was looking forward to it.

City Attorney Quick stated that it didn't have to be in the evening.

Councilmember Vreeland stated that it had to be in the evening because he had to work.

Mayor Lancelle mentioned that there was the Council Cities dinner but she felt this took precedence.

Councilmember Vreeland asked if they could do it at 6:00 p.m. on Friday.

Mayor Lancelle stated that it would be noticed in the *Tribune*.

Councilmember Vreeland assumed that it would be held at the Chambers.

City Manager Rhodes responded affirmatively.

Councilmember Vreeland asked if they could be sure it was televised.

City Manager Rhodes stated that he would explore that.

Councilmember Vreeland stated that they needed to be sure that this was the broadest possible discussion.

City Attorney Quick asked the City Clerk if they would be able to publish notice for this Wednesday.

City Clerk O'Connell stated that she would call in the morning. She stated that normally it was noon on Monday, but she thought they would help them out on this one.

Mayor Lancelle thanked everyone, including the public who came to share their thoughts with them. She then confirmed that it would be Friday evening at 6:00 p.m. in the Council Chambers.

9. Approval of Temporary Access Agreement for 310 – 350 Esplanade Seawall Project.

Deputy Director Public Works Ocampo presented the staff report.

There were no public comments.

Councilmember DeJarnatt thanked staff for their work on this.

Councilmember DeJarnatt moved to approve the attached Temporary Access Agreement in substance; authorize the City Attorney and City Engineer to negotiate minor modifications consistent with the terms described in the Agreement; and authorize the City Manager to execute the agreement; seconded by Mayor pro Tem Digre.

Mayor pro Tem Digre thanked staff for being watchful; she appreciated it.

Councilmember Vreeland stated staff had done good work in getting the vertical access to the beach. He felt they needed to follow the project closely because of all the work being done. He felt, once this is completed, they should get the public park spruced up from the RV park to this point.

Mayor Lancelle mentioned that they had some upset tenants and he had worked through this difficult situation, and she thought he realized that it required vigilance to be sure the tenants were notified.

Deputy Director Public Works Ocampo stated that it was specified in the agreement that they must be notified.

Mayor Lancelle also concurred with Councilmember Vreeland regarding the expectation about the condition of the property when it was returned to them.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

10. Adoption of Resolution Supporting the American Recovery and Reinvestment Act of 2009 (ARRA) Funding and Approving the Advertising for Bid to the City of Pacifica Various Federal-Aid Streets Pavement Rehabilitation Projects.

Deputy Director Public Works Ocampo presented the staff report.

Councilmember Nihart thanked Deputy Director Public Works Ocampo for getting involved so quickly.

There were no public comments.

Councilmember Nihart moved to adopt the resolution next in order, Resolution Supporting the American Recovery and Reinvestment Act of 2009 (ARRA) Funding; authorize the City Manager to execute any documents/s required for the grant and authorize the advertisement to bid of the City of Pacifica Various Federal-Aid Streets Pavement Rehabilitation Project; seconded by Councilmember DeJarnatt.

Councilmember DeJarnatt expressed his appreciation to staff for getting this done quickly.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

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

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 5-0; 3/09/09

City Council meeting

February 23, 2009

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