

**MINUTES**

City Council Regular Meeting  
2212 Beach Boulevard  
Pacifica, CA 94044

November 23, 2009

Mayor Lancelle called the meeting to order at 6:00 p.m., stating that all councilmembers were present. City Attorney Quick announced the business to be discussed:

PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): Conference with legal counsel, existing litigation. In the Matter of City of Pacifica, California Regional Water Quality Control Board, San Francisco Bay Region, Complaint No. R2-2009-0075; and Our Children’s Earth v. City of Pacifica, U.S. District Court, Case No. CV 09-5201 EMC.

Tod Schlesinger commented on the closed session item.

Mayor Lancelle convened the meeting to Closed Session.

Mayor Lancelle reconvened to Open Session at 7:10 p.m.

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

Staff Present: Steve Rhodes, City Manager; Cecilia Quick, City Attorney; Ann Ritzma, Administrative Services Director; Van Ocampo, Deputy Director Public Works/City Engineer; Dave Rogers, Assoc. Engineer; Jim Tasa, Police Captain; Kathy O’Connell, City Clerk.

Councilmember DeJarnatt led the Salute to the Flag.

Commission Liaison: None.  
Chamber Liaison: None.

**CLOSED SESSION:**

City Attorney Quick stated that Councilmember DeJarnatt, Mayor pro Tem Digre and Mayor Lancelle authorized legal counsel to defend the City in the matter of the City of Pacifica Regional Water Quality Control Board administrative complaint and also Children’s Earth versus City of Pacifica U.S. District Court litigation. She added that both matters relate to alleged clean water act violations and alleged NPDES violations from the City’s waste water treatment plant.

Councilmember Vreeland thanked the City Attorney for her closed session summation and clarified that he did not take part in the previous or present closed session discussion on this matter because of his employment with the Federal government.

**CONSENT CALENDAR:**

Councilmember DeJarnatt moved approval of the Consent Calendar, as amended, as follows: Approval of disbursements dated 06/05/09 to 10/30/09 in the amount of \$6,321.66, regular and quick checks numbered 81834 to 81835 and 6582; and disbursements dated 10/29/09 to 11/09/09 in the amount of \$798,692.90, regular and quick checks numbered 6564 to 6581 and 6583 to

6734, as set forth in Item #1; Approval of Minutes of regular City Council meeting of November 9, 2009, as set forth in Item #2; Adoption of an ordinance entitled "An Ordinance of the City Council of the City of Pacifica Adding Article 19 to Chapter 7 of Title 4 of the Pacifica Municipal Code Regarding Removal of Vehicles," second reading, as set forth in Item #3; Adoption of an ordinance entitled "An Ordinance of the City Council of the City of Pacifica Amending Chapter 4 of Title 9 of the Pacifica Municipal Code Relating to Fence Heights, Barbed Wire Fences, Setbacks for Accessory Buildings, Definition of Attached Buildings, Subdivision Signs, Pet Care and Sales Establishments, Submittal of Specific Plans and Bed and Breakfast Inns," second reading, as set forth in Item #4; Adoption of a Resolution Setting Forth Commitment to Obesity Prevention, as set forth in Item #5; Approval of Purchase of Five (5) Police Patrol Cars from S&C Ford in the Amount of \$113,628.75. [The Money has Been Budgeted in the Vehicle Replacement Fund 72, Account #72-92-0676-55110-000-000], as set forth in Item #6; Authorization of Award of Contract to Dryco Construction Inc. for the San Francisco RV Park Trail Project. Budget Authority was Previously Authorized in the Amount of \$313,165.00, in the Capital Improvement Fund 22, Account #22.900000.52800.0054.00, as set forth in Item #7; seconded by Mayor pro Tem Digre.

**ROLL CALL VOTE:**

Ayes: Councilmembers: Vreeland, DeJarnatt, Digre, and Lancelle.  
Noes: Councilmembers: None.

**Motion carried: 4-0.**

**SPECIAL PRESENTATION:**

Councilmember Vreeland explained that he was recusing himself from participating in the Council's discussion with another federal agency due to his employment with the Federal government.

**George Dugarian, GGNRA Community Liaison**, gave a brief update on the GGNRA Mori Point Project, specifically pointing out the various phases, such as the new stairs, trail improvements, restoration of natural features, then expanding wetland habitat, and enhancing the upper Mori Point trail to slow down the sliding of the trail. He mentioned the various local groups who volunteered many hours. He then mentioned the various projects planned for the future, such as interpretative signs, more benches and new plantings. He showed pictures which depicted the proposed Highway 380 extension before Pacifica residents stepped in to save the open space.

Mayor Lancelle ~~commented on~~ commended Pacifica residents' efforts to prevent the highway from being extended and save the open space, stating that ~~it was scary.~~ the freeway expansion was frightening.

Mayor pro Tem Digre thanked everyone who worked on saving Mori Point, adding that Mayor Lancelle was influential in that effort. She also mentioned that the residents of San Bruno were also happy that it hadn't gone through.

Mr. Dugarian stated that Pacifica resident, Bernie, along with the Conservancy, helped the project move forward. He added that they were also going to change the chain link fence by adding an ADA accessible gate, for which he thanked Pacifica police and Rec and Park.

Mayor Lancelle stated that it was a great asset and a wonderful partnership which was appreciated.

Councilmember Vreeland returned to the dais.

**PUBLIC HEARINGS:**

None.

**COUNCIL COMMUNICATIONS:**

Mayor pro Tem Digre reminded everyone that the library was doing a digital history, and she suggested that older residents contact Tom Ball at the public library to be given a three-minute digital presentation. She encouraged everyone to not be shy because history was extremely important. She was grateful for poetry readings, especially on the occasion of the birthday of Pacifica, mentioning the state poet laureate who did a reading, as well as local poets.

Councilmember Vreeland asked the City Manager if the Council could get an update on the Coastal Conservancy's project at the RV Park and access to the bottom of the bluff, possibly at the first meeting in January. He also asked for a report at the second meeting regarding staff exploring the idea of whether there was an option to close Lakeside Drive between the golf course and the condominiums, mentioning that there might be a potential legal issue on an easement with the City of San Francisco. He also asked that the Council consider looking at a 10% reduction in the Council's pay at the first meeting in January because of the possibility of asking other employees to participate as they look at two and five-year financial plans for the City.

Councilmember DeJarnatt mentioned that, at the Pacifica School Volunteers meeting, they talked about reaching out to potential volunteers, as well as donations.

Mayor pro Tem Digre wished everyone a great Thanksgiving. She then mentioned that the Economic Development Committee was moving very well and had a meeting coming up on December 8. She also mentioned that the Finance Committee's presentations had been going very well, and they would also be meeting on December 10.

Councilmember Vreeland mentioned that he had been on the Pacifica Volunteers board, and stated that he had recently spoken to Sean Rhodes from the Norcal Surf Shop who had agreed to donate a surfboard for the raffle again.

Councilmember DeJarnatt acknowledged that they would appreciate such a big ticket item for the raffle.

Mayor Lancelle thanked the Rotary Club for the painting of the Sanchez Library. She acknowledged that the Rotary Club was working on a variety of committees, and she stated that the City appreciated all the work they do. She stated that there was going to be a public forum on November 30 to discuss the assignment of the solid waste and recycling services from Coastside Scavenger to Recology, including a presentation. She stated that she had also attended several meetings in San Francisco regarding the Sharp Park Golf Course. She mentioned that their report was completed, and it recommended maintaining the 18-hole golf course and doing necessary repairs to the species habitat. She hoped that they can now move ahead. She also commended San Francisco for all their efforts. She commented that the outcome was not what some people had hoped for, but the habitat was being degraded annually and she felt this solution would serve everyone, including the species. She hoped Councilmembers were agreeable to adjourning the

meeting in memory of ~~Katherine~~ Catherine Griffiths -Griffith, who was 92. She mentioned her personal experience with Ms. Griffith.

### **ORAL COMMUNICATIONS**

Mayor Lancelle opened Oral Communications.

**Lazar Keitelman, Pacifica**, mentioned that 1000 signatures had been submitted to the San Francisco Rec and Park Commissioners in support of a national park on our coast and the Commission was now going to have further meetings before making a decision. He thanked Mayor Lancelle for her efforts, but was now asking the Council to endorse and join in the goal of the GGNRA Laguna Salada Portola Park complex.

**Mitch Reid, Linda Mar**, referred to Lynn Adams and the Beach Coalition's report on their annual beach cleanup, and stated that cigarette butts were the No. 1 item collected and was 40% of everything collected. He was asking the City Council to place a fee on cigarettes sold in Pacifica which would be used to educate the public and help with Coastal Cleanup, adding that San Francisco had adopted such an ordinance with a fee of 20 cents on each pack. He felt that such an ordinance in Pacifica would bring in up to \$300,000 a year. He had a copy for the Council of the report San Francisco had used to create their assessment fee. He added that Oakland had also created such a fee. He hoped the Council would consider this.

Mayor Lancelle thanked him, and expressed her appreciation for the work he did to provide them with a "road map" to get there.

**Frank Scammon, Linda Mar**, mentioned that 27 years ago there was a flood on Anza, and he felt nothing had been done. He stated that the Engineering Department informed him that there was no money to work on the bridge, but FEMA stated that they could give residents a 10% decrease in insurance if Pacifica shows what they have already done. He thought 10% was hard to believe. He felt that something had been done because during the recent heavy rains there was no flood, and he questioned why they couldn't show that to FEMA and lower the insurance.

Councilmember Vreeland commented that he could not respond during this part of the meeting, but there was an agenda item on this topic and they may be able to give an update on what he was asking.

**Bernie Sifry, Pacifica**, questioned why Councilmember Vreeland recused himself from the presentation on Mori Point because there was nothing to vote on by the Council. He stated that he had some questions about additional things that were going to happen at Mori Point, mentioning some specific things. He then asked about emergency services to get out to Mori Point.

George Dugarian responded by confirming the additional projects mentioned by Mr. Sifry. He stated that they had talked about the upper Mori road drainage and that it would prevent landslides in the future. He stated that emergency vehicles had been asked to drive over the berm in the future, and added that they had issues about getting to the top of Mori Point, but they were cooperating with them.

**Therese Dyer, 1408 Crespi Drive**, mentioned again her concern about the gardener who was throwing his advertisements on driveways. She stated that Mr. Rhodes had said he would take care of it but never did. She felt he would only have had to make a phone call to the code

enforcer or the Police Department as she did. She stated that they got his address and she would follow it up with a letter, but she felt she was doing Mr. Rhodes' job. She stated that she appealed her parking ticket for parking in a handicapped zone, and she felt she got good results. She was told that she would probably get a refund. She suggested that anyone who gets a picket should appeal it. She stated that she had attended the meeting at the Sharp Park Restaurant when County Supervisor Gordon was there and had made suggestions to save money in the City, specifically combining services. She mentioned that they had combined the Fire Department, but she questioned whether any others were combined. She thought we could save money if we combined legal services, City Manager and the City Council and possibly get out of debt.

**Mark Hershman** was representing State Assemblymember Jerry Hill and was inviting everyone to join the Assemblyman the next day in Pacifica at Fog City Java to discuss issues of the day.

Mayor Lancelle closed Oral Communications.

### **CONSIDERATION**

#### **8. Route 1 Bridge at San Pedro Creek Bridge Replacement Project and Manor Drive Overcrossing Widening Project.**

Public Works Deputy Director Ocampo presented the staff report.

Councilmember Vreeland thanked staff for bringing this forward, especially the San Pedro Creek Bridge Project. He also thanked Congresswoman Speier's office for supporting this project. He mentioned that the funding was from Measure A's reauthorization fund. He mentioned that the expenditure plan was being developed now and it was the right time to move this project forward. He asked if the environmental document on the bridge project was completed.

Public Works Deputy Director Ocampo responded affirmatively, and mentioned that they were on the project study report project report phase.

Councilmember Vreeland stated that they could be building it and asked if it was a July 2011 date.

Public Works Deputy Director Ocampo stated that it was like they constructed the bridge to the west on San Pedro Avenue, explaining that you provide time for fill to settle because of having to raise it up, which was why it sometimes appeared that the project was not moving forward.

Councilmember Vreeland stated that he had three questions on the bridge. He first asked why Pacifica was doing it instead of Caltrans.

Public Works Deputy Director Ocampo stated that, it was a Caltrans facility, and the City took it on to ensure that it benefitted the community, as well as the entire coastal region. He mentioned that, every time Devil's Slide closed, it was our community and commercial establishments that suffered. He added that the construction of this bridge would also alleviate some of the flooding in the area, and that was why the City was being proactive to ensure that this project happens. He felt that, if we wait for Caltrans, it might not happen in time.

Councilmember Vreeland stated that was his point, referring to the comment that Caltrans inspects the bridge on an annual basis, and asked if he was correct that, if it was left to them, they would not be fixing this bridge.

Public Works Deputy Director Ocampo agreed, adding that Caltrans looks at the structures for any signs of failure or cracking, but not at the possibility of some tremendous storms that might wash the bridge out. He stated that, in fairness, they had a lot of structures to prioritize, and he preferred to believe that they were doing this because it was not as high in priority as other structures they have to maintain.

Councilmember Vreeland understood, adding that he assumed that was the reason for the presence of Mark, from Assemblyman Hill's office. He appreciated Caltrans, and he felt that the tunnel project and the bridge project were two separate things, but he felt building the tunnel without fixing the bridge didn't make any sense to him. He felt that spending our staff time and resources to do this was okay, but he asked that we do it as environmentally sensitive and quickly as possible. He felt it would be a travesty if the tunnel was built and the bridge washed out. He also mentioned that the lower Linda Mar residents had seen the benefits of the \$8 million flood control project by the Corp of Engineers, which was from Capistrano.

Public Works Deputy Director Ocampo stated that there were various components, mentioning one along Rosita by Capistrano and one at the back of the shopping center.

Councilmember Vreeland mentioned that they changed the geomorphology of the streambed, pulled back the banks in the lower part of the San Pedro watershed, but the water gets constricted at the "California" Highway 1 bridge. He mentioned that we had raised our local bridge to a 100-year flood plain, then asked if he was correct that the California state highway was at a 25-year flood plain.

Public Works Deputy Director Ocampo stated that the capacity was now at a six-year storm.

Councilmember Vreeland thought the residents in Linda Mar weren't seeing flooding because the City was proactive in doing the flood control project in lower Linda Mar, and he felt we also had to be proactive in this as well. He felt it was an important infrastructure matter to get this done in the next few years. He mentioned that he was honored to be on the TA to focus on this. He asked, if the bridge was raised and the cross section of stream was increased, whether that would have an impact on FEMA coming in and changing the flood maps for lower Linda Mar valley.

Public Works Deputy Director Ocampo responded affirmatively, explaining that now the channel acted like a dam but, with the elevation of the levees at the site being lowered, water tended to overflow that way rather than the highway. He stated that, by widening the channel under the existing bridge, the water would flow underneath. He explained that they were careful with their design because of that, adding that merely raising the bridge would not provide the solution without widening the channel. Without widening the channel, they merely increase the height of the dam and water would then flow to the adjacent community rather than flow underneath. He stated that they now were looking for ways for the flood control project to move to widen the channel.

Councilmember Vreeland stated that, to answer Mr. Scammon's question, raising the bridge should have a positive impact on FEMA lowering the flood rates, but they would have to ask FEMA for a definitive answer.

Public Works Deputy Director Ocampo reiterated that it should be the combination of raising the bridge and widening the channel.

Councilmember Vreeland stated that widening the channel was a separate project and they would have to go to other Federal agencies for permits and funding to do the widening, but they were raising the bridge in a way to have the ability to do that.

Public Works Deputy Director Ocampo explained that raising the bridge would create space for the water to flow but the elevation was not there. The banks' present elevation was still high and water would still flow. While there will be some relief, it was not as much as also opening the channel.

Councilmember Vreeland stated that he had one question about the Manor Drive overcrossing. He mentioned that the Manor widening project was coupled with the Manor onramp.

Public Works Deputy Director Ocampo clarified that it was the Milagra onramp.

Councilmember Vreeland then stated that one was much more complicated than the other, explaining that one was merely turning an old bus pulloff area to an onramp to reduce traffic at Manor and create a positive impact for nearby businesses. He asked if they can get to a point where they can ask the TA to decouple the project to get the \$600,000 or \$700,000 for the Milagra onramp prior to doing the engineering for the Manor overcrossing.

Public Works Deputy Director Ocampo explained that the money they have was borne from the developer's fee which was the Palmetto-Manor mitigation fee.

Councilmember Vreeland asked whether they could decouple the projects at some point.

Public Works Deputy Director Ocampo explained that the Manor Drive overcrossing was the one that the Transportation Authority had identified as a key component of the corridor project, and the Milagra onramp was not named as one of the projects listed at the time that the 2004 measure went to the voters.

Councilmember Vreeland acknowledged that he had told him those projects were coupled in the environmental documents.

Public Works Deputy Director Ocampo stated that they had to because they were one project. He clarified that, in order to spend money on the Milagra onramp, they had to make sure they were together, because the funds were being collected from the developer.

Mayor pro Tem Digre mentioned that the construction workers at Manor had questioned the weights of the trucks, referring to the various trucks for Safeway, etc., and she asked about the weight.

Public Works Deputy Director Ocampo stated that the responsibility to the City was the overcrossing surface itself. He stated that Caltrans visited the overcrossing and did some borings and were looking at that. He stated that it was a moving load, and certain safety factors were built into it. He stated that, when they widen it, they would look at those things, mentioning that the designs were from the late 1950's when it was built and it might not be the same now. He stated that turning radii were tight and it was not designed for delivery trucks.

Mayor pro Tem Digre commented that they saw a lot of those trucks.

Public Works Deputy Director Ocampo agreed, mentioning the opening of Walgreens, etc.

Mayor pro Tem Digre asked if he would get a report on what the borings would indicate.

Public Works Deputy Director Ocampo stated that they would need to ask for that from Caltrans, rather than them offering.

Mayor pro Tem Digre mentioned that the Public Works office was contacted regarding how the closing of Manor would affect business, reporting that Mozzetti's had lost 50% of their Thanksgiving business. She thought they would be happy if Manor would not be fully closed.

Public Works Deputy Director Ocampo explained that the previous weekend was the only time they would have it fully closed, and in the future half would be open.

Mayor pro Tem Digre asked that they contact all the businesses at least 30 days ahead of time so that they can have time to do something proactive. She stated that she was asked by the businesses if they could avoid the pre-holiday weeks because those were their big income days.

Public Works Deputy Director Ocampo stated that, in deciding their construction schedule, they took into account the weather and the fact that school was off the entire week to allow a reduced number of traffic problems. He mentioned that, in doing the environmental aspect, they do reach out to the community for their comments, and it would happen.

Councilmember DeJarnatt stated that he was interested in the Milagra onramp, and he would love to see it open up. He didn't think it should require much money. He then referred to Councilmember Vreeland's comments on the flood control work being done in the past, with this bridge being the last piece. He reminded people that Caltrans would not give them the bridge that went out to Pedro Point until they sent deposition notices to the hierarchy before the land was handed over to Pacifica. He hoped that was not the same mindset now.

Mayor Lancelle reminded the Council that they were still in the question phase.

Mayor pro Tem Digre appreciated Councilmembers Vreeland and DeJarnatt mentioning that it was a public way, and she wondered if they could discuss ways for Caltrans to work collaboratively with Pacifica regarding funding.

Public Works Deputy Director Ocampo explained that Caltrans has "shop money" allotted for existing infrastructure. When the City asked about that, they were told that Caltrans barely had enough "shop money" to do existing retrofits on existing bridges.

Mayor pro Tem Digre asked confirmation that he had asked about money for this project.

Public Works Deputy Director Ocampo responded affirmatively.

Mayor Lancelle asked if the Milagra onramp project could be decoupled from the Manor overcrossing project.

City Manager Rhodes clarified that she was referring to decoupling "for construction."

Public Works Deputy Director Ocampo stated that, once the environmental process was completed, then they can phase the construction, because it would be quicker by applying for an encroachment permit with Caltrans. He explained that a structure over a highway took a longer



time to review. He confirmed that the environmental phase needed to be done at the same time because it was one project.

Mayor Lancelle asked if he had said they had begun the environmental work.

Public Works Deputy Director Ocampo responded affirmatively.

Mayor Lancelle asked if he was referring to widening the channel at the San Pedro Creek bridge just under the bridge.

Public Works Deputy Director Ocampo explained that the new bridge was higher but the existing channel was narrow and they will have to widen it. He stated that he had handouts that explained it which he distributed to them.

Mayor Lancelle stated that she shared Councilmember Vreeland's concerns.

Public Works Deputy Director Ocampo stated that, on the handout, the red shaded area was the existing channel. He stated that, by raising the bridge, the area in yellow was created. He added that, what was critical was the area that was between the green and yellow because it was the elevation to which the water must rise to come out. Work by the Army Corp would create the space where the green was.

Mayor Lancelle asked if the replacement bridge would be the same distance or longer.

Public Works Deputy Director Ocampo stated that it would be a longer bridge because it would allow for the future widening of the channel. He explained that the current bridge was from the edge of the red shaded area.

Mayor Lancelle asked how far along they were with the Army Corp of Engineers in planning for this bridge replacement.

Public Works Deputy Director Ocampo explained that the bridge replacement was a separate project with the PSRPR status. They had submitted that to Caltrans and would get a response by December 3.

Mayor Lancelle asked if he was speaking about the San Pedro Creek bridge.

Public Works Deputy Director Ocampo responded affirmatively. He reiterated that they would be getting a response on the PSRPR on the San Pedro Creek bridge by the first week of December.

Mayor Lancelle stated that she didn't know what PSRPR meant.

Public Works Deputy Director Ocampo explained that it meant "project study report project report."

Mayor Lancelle asked when the tunnel was scheduled to open.

Public Works Deputy Director Ocampo thought they were looking at 2011.

City Manager Rhodes stated the end of 2011.

Mayor Lancelle imagined it was coming later and thought it would be problematic.

Councilmember Vreeland referred to the handout on the Pedro Point Creek bridge, and asked if the “red” was the existing channel and the “yellow” would be created whether they take anything out whether they take anything out from the channel or not, and, if they do an additional flood control project with the Corp of Engineers, they had a chance to take out the green section.

Public Works Deputy Director Ocampo stated that it was the goal of the project.

Councilmember Vreeland reiterated that the bridge would get raised and a new project would take out the soil. He asked if it showed a structural element coming in the middle of the green area.

Public Works Deputy Director Ocampo stated that there was a structure that would be in the middle of the span.

Councilmember Vreeland asked if they could span it without having it or did they have to have that element.

Public Works Deputy Director Ocampo stated you couldn't because of the length of the span plus the alignment.

Councilmember Vreeland asked if they were looking at designing the element of the structure with the future flood control project in mind and if they go down through the soil and go back later, they would make sure that the green area wouldn't be there and the yellow area would not further impact any flooding issues.

Public Works Deputy Director Ocampo stated that it was their No. 1 consideration to make sure that the foundation is okay and solid.

City Manager Rhodes reported further that, regarding flood control, they were approached by Congresswoman Jackie Speier's office and the City was working with them to put together a Corp project to carry out the flood improvement work. He stated that she needed something from the City by December 1 or 2, and staff was working now to put the project together to get on the Corp. funding list.

Councilmember Vreeland thanked Bryan Perkins of Congresswoman Speier's office because he had been gracious over the past few months letting him pester him about things.

Mayor Lancelle opened public comments.

**Frank Scammon, Pacifica**, wondered if the project was not starting until 2011.

Mayor Lancelle clarified that she was asking about the tunnel project, but then added that the answer was yes to his question.

**Mr. Scammon** stated that he was told that they might get a 10% decrease in flood insurance. He was at a meeting with FEMA months ago, and hadn't heard yet if they were going to get that 10%.

Mayor Lancelle stated that they would follow up and get him an answer.

Public Works Deputy Director Ocampo stated that what Mr. Scammon was talking about was a program mentioned by FEMA representative, Cathy Schaffer, at that meeting. He stated that the answer from her was that it was the community rating system and a lot of programs needed to be in place before the City can be accredited for that, explaining that they had to earn at least 500 points for the community to be given that. He stated that there were a lot of programs that the City needed to implement to qualify, and they were working in that direction by looking at what the City had and the things they didn't have that they need to implement to qualify. He stated that the standards are high, but they were working in that direction.

Mayor Lancelle closed public comments.

Councilmember Vreeland asked how many points they get for the flood control project with the Corp of Engineers which was just completed.

Public Works Deputy Director Ocampo stated that it was one of the programs in flood protection, but it was dependent on the bridge. He assured them that there was value to having a wider area, and that was what they were trying to evaluate now. He stated that they couldn't put a value on it now, but it was an item that would help the City.

Councilmember Vreeland suggested that Mr. Ocampo could work with Congresswoman Speier's office to make sure that FEMA was working with the City on the evaluation of the numbers and the proposals once staff pulls it together.

Public Works Deputy Director Ocampo responded that he would definitely do that.

Mayor Lancelle appreciated the question because the City had already spent a great deal of time and money on the flood control project, and the fact that they weren't getting any benefit because of the bridge issue made her feel as though they were in a Catch 22 situation. She hoped that they can get some incremental benefit from the work already done.

Public Works Deputy Director Ocampo stated that, with the updating of FEMA maps, certain areas in the community that benefitted from it, specifically Milagra when they did the creek and installed the pipe. He thought that now some of the adjacent homes may not need any flood insurance. He stated that they had made progress in assuring that the community benefitted.

Mayor Lancelle appreciated that, but was hoping that they can get a better outcome for people living by San Pedro Creek.

Councilmember DeJarnatt acknowledged that the Milagra residents definitely benefitted, but he thought there were some in Linda Mar who benefitted from their flood insurance dropping. He realized that it wouldn't compare to what the benefit will be when the bridge was built. He knew this was an information only item, but he felt coming forward with this helped a lot.

**9. Appointment of a Representative to the Board of Trustees for the San Mateo County Mosquito Abatement District.**

City Clerk O'Connell presented the staff report.

**John Curtis, Pacifica**, stated that it had been his pleasure and honor to represent Pacifica on the District. He stated that it was extremely well run, responding quickly to public requests, etc. He stated that he would like to continue on it.

Mayor pro Tem Digre asked Mr. Curtis if he could tell the public how they can get fish for mosquito control.

Mr. Curtis explained that you contact the office and the operations manager would do it. He reminded everyone that aerial spraying was occurring because the tullies were so thick they couldn't get in and do it by hand, and the infanticide was specific to those creatures and relatively harmless to other species of plant, flora and fauna.

Mayor Lancelle opened public comments.

**Bernie Sifry, Pacifica**, asked about the function of the trustee, how he was first appointed or selected, what were the qualifications, what was the pay. He was concerned about whether it was a favorite kickback which he hated to imply. He reiterated that he would like to look at the qualifications and the selection process. He asked about the properties in Pacifica owned by San Francisco where spraying had been done, stating that the spraying was costing over \$1000 a hour and it was coming from a fund that homeowners paid into, now costing \$75 or \$35 a year. He asked if San Francisco was contributing to this fund. He also felt it included the Federal property at Mori Point. He acknowledged that their response was extraordinary, but he was concerned about the money.

**Therese Dyer, 1408 Crespi Drive**, felt that John Curtis needed to have term limits like the City Council and everyone else. She asked, if he was the City's representative, why it took her to get the 500 tires with water in them removed from Mori Point which was contributing to the mosquito problem. She acknowledged that Mayor Lancelle called her to let her know they were removed, but she had already called Congresswoman Speier's office and the environmental agencies. She stated that she would not recommend him, and she was available.

**Suzanne Valente, Fairmont**, asked the Council if they were aware that, of all the county parks, the highest density of ticks per square mile was at San Pedro County Park, and whether questing ticks could be found in the residential area of Fairmont and were the western black legged tick which can carry various diseases. She stated that her issue with our current trustee was that, while he couldn't control what the abatement district did, and they can't control ticks, they were public hazards and our community can only educate the public to allow them to protect themselves. She felt that the Council should go with the options of appointing a new trustee or appointing a Councilmember to the Board because our current trustee was not aggressive enough in education the public about the things that the Mosquito Abatement District cannot address. She agreed that they do a good job with the mosquitos. She then told Mr. Sifry that she could give him his answers because she knew the answers, specifically that San Francisco was billed for the cost of the mosquito abatement, but the City paid for the staffing and San Francisco paid for the helicopter and the pilot and the larvicide itself. Sprayings on the ground are paid by the City. She stated that, at Mori Point, the Federal government won't pay a penny and it was all paid by taxpayers in San Mateo County.

Mayor Lancelle closed public comments.

Mayor Lancelle stated that the Mosquito Abatement District put out an excellent newsletter regarding the tick population, but she wasn't sure if it was distributed throughout the community.

Mr. Curtis stated that it was a monthly entomology report, usually in the 10 months when the Commission meets as they didn't meet in December or September. He then mentioned the distribution process. He stated that they were aware of the tick situation. He then explained that their payment was a reimbursement for expenses, \$100 a month and only the ten months when they meet. He felt his qualifications were as good as Cal Hinton's and that question never came up with him. He also pointed out that the District staff made him a chair of the environmental committee because they felt he knew so much about EIRs.

Councilmember DeJarnatt was happy with John Curtis' qualifications and the knowledge he shared with him. He would have no hesitation reappointing him.

Mayor pro Tem Digre couldn't remember the specifics when looking at appointing a representative, but she commented that he had reported to Council and she encouraged him to give information more often. She also asked that he include the libraries in the distribution of information. She was in favor of continuing with his appointment.

Councilmember Vreeland asked whether the process the last time was a call for applicants.

City Clerk O'Connell thought they had advertised and took applications.

Councilmember Vreeland asked her if she knew how many applicants there were.

City Clerk O'Connell did not recall the number of applicants.

Councilmember Vreeland thought there was only the one applicant.

Councilmember DeJarnatt agreed that it was just the one.

Mayor Lancelle stated that the Council was aware of the newsletter regarding ticks, but she thought a better job needed to be done to publicize the information. She would also like to follow up regarding San Pedro County Park to ensure that the public was properly notified.

Councilmember DeJarnatt moved to reappoint John Curtis to the Board of Trustees for the San Mateo County Mosquito Abatement District for four years; seconded by Mayor pro Tem Digre.

**ROLL CALL VOTE:**

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

Noes: Councilmembers: None.

**Motion passed: 4-0.**

Mayor Lancelle felt that he had done an excellent job, and she hoped more information would be made available to the public. She acknowledged that the San Mateo County Mosquito Abatement District had a website and they needed to make sure that it gets publicized since Pacifica was a community that wants to know and has vehicles for getting that information out. She asked the City Manager if the City had a link to the District on their website.

City Manager Rhodes responded affirmatively.

Mayor pro Tem Digre stated that people had asked her if the City was spraying and she hadn't thought of the Mosquito Abatement, and she asked if there was a way to get the information to let the residents know that there would be a spraying.

John Curtis responded that the information was available.

Mayor pro Tem Digre again stated that the City didn't know about the spraying.

Mr. Curtis stated that there was a press release and he thought the Police Departments were also notified. He also recalled seeing articles in the *Tribune* with the dates of the spraying, but they were through now for a while.

Mayor pro Tem Digre stated that she would like to pursue it with him later.

Mayor Lancelle thought there were notices posted around town. She also mentioned that she had heard it wasn't like a chemical spray, but a biological agent. She felt this was another example about the tullies, and San Francisco needed to move forward also regarding the mosquitos. She felt good things came out of this discussion regarding improving the public education and questions were answered about the costs.

#### **10. Report on Information Received from City Attorney Request for Information (RFI) Process.**

City Manager Rhodes presented the staff report.

Mayor pro Tem Digre asked him if the in house assistant was included when he mentioned contracting out.

City Manager Rhodes stated that they were including all the staff that supports that service, which was why he used the City's budget.

Mayor Lancelle opened public comments.

**Bernie Sifry, Pacifica**, thought the Council was considerate when they postponed a hearing when Mayor pro Tem Digre was unable to attend, and he felt it was critical to include Councilmember Nihart in this discussion and he felt no decision should be taken at this time, so that all five are involved. He also stated that there were things left out about where money can be saved with an outside counsel.

Mayor Lancelle closed public comments.

Mayor Lancelle thought Councilmember Nihart would have requested that they move this item to another meeting because she was going to be out of town. She asked the City Manager if that was the case, adding that councilmembers usually let the City Manager know if there was an item that they would like to be present to discuss.

City Manager Rhodes stated that it does usually occur, but he has to try to deal with the agenda management and try to keep meetings from becoming too large. They were fighting this as opposed to the next meeting where they knew it was a large agenda. He thought that Councilmember Nihart had let him know about the item for which she wanted to be present, which was not on this agenda, but was on the next agenda.

Mayor Lancelle recalled that Councilmember Nihart had supported having a staff City Attorney when they had the budget discussions. She felt they had a sense of her position on it.

Councilmember Vreeland didn't want to assume or opine what Councilmember Nihart would do on this issue. He did agree with Mr. Sifry that they needed to postpone this to when all five were present, and moving it to a meeting in January would flow better with what else was going on in the City. He referred to how the numbers were put together and concluded that it came to \$480,000 and wasn't sure how staff got to the analysis.

City Manager Rhodes stated that they used 200 hours, not 120, because of Council and Planning Commission meetings which were beyond the normal 40 hours. He agreed that it was \$240 an hour but it was 200 per month.

Councilmember Vreeland clarified his computations of \$240 an hour times 40 hours a week.

City Manager Rhodes stated that they did it by the month, using 200 hours.

Councilmember Vreeland asked if the City Attorney worked 200 hours a month.

City Manager Rhodes stated that, if you count Council meetings and Planning Commission meetings, that would be the number of hours.

Councilmember Vreeland stated that rarely was the City Attorney at a Planning Commission meeting.

City Manager Rhodes stated that they have often had an attorney representing the City Attorney's office at the Planning Commission meeting.

Councilmember Vreeland felt that was part of his issue that they had an attorney representing the City at the Planning Commission meeting, not the City Attorney herself. He was trying to understand the analysis.

City Manager Rhodes stated that their proposal showed attendance at the meetings, and they had an attorney most of the time at those meetings, either the City Attorney or outside counsel, and they were paying someone to be at those meetings. He felt that, to make them equal, he counted the hours on the City's side as well as on the contract side.

Councilmember Vreeland asked, if a contract attorney was sitting at a Planning Commission meeting because the project needed that presence, whether that number was in the \$576,000 that he gave for the entire City Attorney budget.

City Manager Rhodes responded affirmatively.

Councilmember Vreeland asked if any of those fees were offset by developer fees.

City Manager Rhodes stated that not for the Planning Commission.

Councilmember Vreeland stated that he wouldn't get into a debate now, but he had questions about the analysis, about the assumptions in the analysis and felt it was appropriate to wait for Councilmember Nihart to be present and he would like to wait until January to do it.

Councilmember DeJarnatt didn't agree but he would make that motion since it appeared that the majority felt that way, but he would like to move it to the next Council meeting, not to January. He would like it to be at the next Council meeting in December.

City Manager Rhodes stated that the December meeting was a loaded agenda.

Councilmember DeJarnatt didn't feel it was fair to make the City Attorney go through this for months. So, he felt that they either have a special meeting or find a way to put it on. He didn't feel it was appropriate to do this.

Councilmember Vreeland wasn't sure what Councilmember DeJarnatt was referring to. He stated that the Council had put out a request for qualifications and were looking at it without any decisions being made at this time. He didn't feel there was a need to rush to a judgment. He stated that they had an opportunity in the next few weeks to go through the City Attorney's evaluation and it was an appropriate dialogue to have those discussions. He felt this was separate and should be kept separate and let it flow into January. He didn't think a no decision at this time would put the City Attorney in a different position because it was not about the City Attorney.

Councilmember DeJarnatt stated that it just makes her wait another three months.

Councilmember Vreeland didn't understand his comment but was willing to make a motion to continue this to the first meeting in January.

City Manager Rhodes was concerned because he didn't have the schedule and he didn't know if Councilmember Nihart would be available at that meeting or not. He thought, if that was the issue, the motion should be to continue it to a time when she was in attendance.

Councilmember Vreeland thought this was totally different from what they were doing from a personnel standpoint and it was appropriate information to go into whenever Councilmember Nihart was present because this was not about the City Attorney but rather about legal services and was a budgetary matter rather than a personnel issue. He felt that, in regard to the budget, this was useful information. He had questions about staff's analysis and use of the information provided by the two firms.

Councilmember Vreeland moved to continue this item to the next appropriate meeting when all five Councilmembers were present; seconded by Mayor pro Tem Digre.

Mayor pro Tem Digre talked to the City Manager, and they were low staffed in the City and she would like to see more data, such as the Fish and Bowl time, the quarry issues. She stated that, the longer they put it out, the more data she wants.

Mayor Lancelle asked clarification that the number given for the current annual budget for the City Attorney covered the City Attorney, the secretary, as well as contract city attorneys.

City Manager Rhodes stated that it covered the entire amount under the City Attorney category in the budget.

**ROLL CALL VOTE:**

Ayes: Councilmembers: Vreeland, Digre, and Lancelle.

Noes: Councilmembers: DeJarnatt.



**Motion passed: 3-1.**

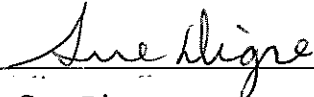
Mayor Lancelle adjourned the meeting at 9:15 p.m., in memory of Catherine Griffiths Katherine Griffith, adding that they will miss her and their thoughts went out to her family. She then wished everyone a wonderful Thanksgiving.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: *1/12/2010*; 5-0

  
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Sue Digre, Mayor