

MINUTES

City Council Regular Meeting
2212 Beach Boulevard
Pacifica, CA 94044

March 8, 2010

Mayor Digre called the meeting to order at 5:30 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-08-5201 EMC.

Mayor Digre convened the meeting to CLOSED SESSION.

Mayor Digre reconvened to OPEN SESSION at 7:05 p.m.

Present: Councilmembers: Lancelle, Vreeland, DeJarnatt, Nihart and Digre.
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 Rodgers, Assoc. Engineer; Dave Bertini, Police Captain; Fernando Realyvasquez, Police Captain; Mike Perez, PB&R Director; Kathy O'Connell, City Clerk.

Councilmember DeJarnatt led the Salute to the Flag.

Commission Liaison: Planning Commissioner Evans, PB&R Commissioner Banco
Chamber Liaison: None.

CLOSED SESSION:

City Attorney Quick stated that the Council took no reportable action in closed session this evening.

CLOSED SESSION of March 15, 2010:

Closed session convened at 4:15 p.m. Mayor Digre and Attorney Charles Sakai announced the items posted on the agenda. There were no members of the public present to address the City Council. The meeting was adjourned at 6:10 p.m.

CONSENT CALENDAR:

Mayor pro Tem Nihart referred to her comments on page 5, stating that "Andover" report should be changed to "end of the year" report.

Councilmember Lancelle referred to Item 7, Adopt a Landscape Program, and stated that she didn't want to pull it off the agenda but did want to announce that, if they voted for it, they would

be having an Adopt a Landscape Program which she thought was great. She suggested that the public inquire with Public Works if they want more information.

City Manager Rhodes stated that they would publicize that once it has been implemented by the Council.

Mayor pro Tem Nihart added that she was going to mention that, if approved, they would be doing some public notification.

Councilmember Vreeland stated that he didn't want to pull Item #9, but he thought the next time it was back, they should talk about it, possibly in closed session, instead of just putting it on the consent calendar because he felt how that property was left was an important thing.

Councilmember Lancelle moved approval of the Consent Calendar, as amended, as follows: Approval of disbursements dated 02/01/10 to 02/19/10 in the amount of \$963,225.10, regular and quick checks numbered 81875 and 7778 to 7952; and disbursements dated 02/26/10 to 02/26/10 in the amount of \$819,810.99, regular and quick checks numbered 7953 to 8102, as set forth in Item #1; Approval of Minutes of regular City Council meeting of February 22, 2010, as set forth in Item #2; Authorization of Staff to Advertise for Sealed Bids for the Palmetto Slipline Project - Phase 1, as set forth in Item #3; Authorization of Staff to Advertise for Sealed Bids for the Sanitary Mainline Replacement Between Talbot Avenue and Moana Way, as set forth in Item #4; Adoption of Notice of Completion for the Waukesha Engine Overhaul at Linda Mar Pump Station Project, as set forth in Item #5; Approval of the side Letter of Agreement to the Memorandum of Understanding with Teamsters Local 856 for Miscellaneous Employees Changing the Certification Pay for Tree Trimmers, as set forth in Item #6; Adoption of a Landscape Program, as set forth in Item #7; Authorization for Execution of Memorandum of Understanding with the County of Santa Clara for Cooperative Purchasing of Power, as set forth in Item #8; Approval of 400 Block of Esplanade Temporary access and Use Agreement 60 Day Extension, as set forth in Item #9; seconded by Councilmember DeJarnatt.

City Attorney Quick stated that Councilmember Vreeland made an excellent point. She stated that staff was already intending to do that, stating that the access expires on Tuesday and, for the purpose of giving staff time to talk to the property owners, they wanted the 60-day interim fill-in and would be coming back with a more comprehensive agreement and detailed information. She felt it was a placeholder because the agreement expired the next day.

Councilmember Vreeland thanked her for the clarification.

Mayor Digre asked that, on page 2 of the minutes, second paragraph, the last sentence be omitted because it was kind of confusing and she didn't think she needed to have anything there.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion carried: 5-0.

SPECIAL PRESENTATION:

Mayor Digre read a proclamation acknowledging March as American Red Cross Month.

Dave Bertini made a presentation on the Rotary Plaza Project initiated by the Rotary Club. The Rotary Plaza will be erected outside the Pacifica Center for the Arts, in 2012 in honor of their centennial year. He introduced Ginny Jaquith, the chair of the project, who briefly commented on their process. She then introduced the architect, Wendy Santiago, who briefly described the design. Ms. Jaquith stated that they had been interested in upgrading the area, then explained that they were going to be raising funds to pay for the project, starting with a groundbreaking ceremony and wine tasting on April 24. She also stated that part of the Plaza area will have laser-engraved memorial bricks which can be purchased by the public. They were looking forward to seeing everyone on the 24th.

Councilmember Vreeland stated that they were thankful for the Rotary doing the project, and felt this would also be beautiful just as what they did at the Library.

Mayor pro Tem Nihart also thanked the Rotary, mentioning that everyone should see the wonderful project at the library. She added that this was the kind of thing which she supports, community members coming forward, and seeing and solving a problem.

Gary Geschwind briefly explained the function of SCORE, which worked with small businesses in trouble or startup businesses, and pointed out that they had national and local offices with experienced people available for counseling, and also conducted many workshops. He stated that he would be leaving brochures with the City Clerk.

Mayor Digre thanked him, mentioning that she had met him years earlier and felt the organization was very helpful. She had invited him to speak, hoping that someone in town would like to start a shuttle system.

PUBLIC HEARINGS:

10. Public Hearing and Adoption of Resolutions Authorizing Joining the CaliforniaFIRST Energy Retrofit Financing Program.

Admin. Services Director Ritzma presented the staff report.

Councilmember Lancelle asked for a brief description of how a homeowner would go through the process of enjoying this program.

Admin. Services Dir. Ritzma stated that the previous week all the participating agencies met at the county and viewed what would become the website where citizens could participate in a series of surveys. She briefly explained how it would provide information on what homeowners could do on their property.

Councilmember Lancelle commented that it might be something like looking into installation of an on-demand water heater or solar panels.

Admin. Services Dir. Ritzma added that, prior to all that, there would be a basic home energy audit to ensure that they would be doing something that would help them in the long run and reduce their carbon footprint.

Mayor Digre opened the Public Hearing and, seeing no one, closed the Public Hearing.

Councilmember Vreeland thanked staff for coming forward with this. He referred to the one item in the report which mentioned that there was no cost to Pacifica. He also thanked the City Manager for working on this. He asked, if approved, how long a citizen would be able to utilize the program.

Admin. Services Dir. Ritzma stated that they were going through the validation proceedings but a bond has not gone out yet and they don't know what the rates will be. She thought the information should be on the website sometime in mid summer and the program would end when they ran out of money.

Councilmember Vreeland stated that, if someone was thinking about upgrading windows or putting in a new water heater, they should think about that because they would have flexibility for financing.

Admin. Services Dir. Ritzma agreed, adding that they would be bringing the website on line prior to the funding being available, so interested people can get their name into the system and set up an account, etc., and do a home energy audit to ensure that they were set to go.

Councilmember Vreeland asked if they can get into the audits fairly quickly once it is ready.

Admin. Services Dir. Ritzma responded affirmatively.

Mayor pro Tem Nihart asked if they had advertising built into this.

Admin. Services Dir. Ritzma stated that they did, with an overall marketing for the state and county.

Mayor pro Tem Nihart thanked staff for finding these kinds of things for the citizens.

Councilmember Vreeland also thanked the climate action task force and everyone who had been working on this issue. He stated that this was what was required to comply with AB 32.

Councilmember Vreeland moved to adopt the proposed resolution authorizing the City of Pacifica to join the CaliforniaFIRST program; authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct contractual assessment proceedings and levy contractual assessments within the territory of the City; and authorizing related action; seconded by Councilmember Lancelle.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

COUNCIL COMMUNICATIONS:

Mayor pro Tem Nihart reported that Financing City Services was nearing completion and she thanked that group for the line by line tedious assessment of Pacifica's financial situation. She felt they did a marvelous job. She mentioned that they had large attendances at the last few meetings, stating that people were getting the word out. She reminded everyone that Tuesday was the Economic Development Committee meeting for the larger group, adding that the subcommittees were active and working. She asked that they be informed of anyone interested in

helping with customer service or in marketing the City. She also commented on the Day of Action, stating that it was moving to see the teachers, parents and students involved, and she hoped some people get the word about how important education is and continue to fund that. She truly enjoyed Read Aloud, stating that she had not done that previously. She did it at Sunset Ridge. She met with the Youth Leadership Institute subcommittee focused on alcohol and they would be coming forward with a social host ordinance for which she would like direction from the Council. She stated that she will be principal for a day at Vallemar on Wednesday.

Councilmember Lancelle attended the Chamber networking luncheon, along with Mayor Digre and Mayor pro Tem Nihart. She stated that it was informative. She represented the Council on the GGNRA Advisory Committee meeting, and went to the Devil's Slide meeting in Redwood City with the City Manager where they discussed pedestrian access and safety issues once the parking lot and tunnel were opened. They were also looking at some trail possibilities, which they would have to negotiate with Caltrans. She toured the San Francisco Airport with the Council of Cities, which was a quite lengthy tour. She stated that the entire Council attended the Calera Parkway meeting, and she thanked everyone who attended and spoke up. She attended the Financing City Services meeting with Mayor pro Tem Nihart. She thanked the members of that committee. She also attended the Read Aloud day, adding that she has done it for years. She stated that it was coordinated by the Pacifica School Volunteers. She mentioned that she would also be meeting with the Youth Leadership Institute on Wednesday. She also mentioned the Silver Dragon and CERT training that would be coming up.

Mayor Digre asked if she had a date for the Silver Dragon.

Councilmember Lancelle stated that it was Thursday.

Mayor Digre asked if people knew what that was, a tabletop type of City wide emergency.

Councilmember Lancelle stated that the CERT team would be out in the community.

Mayor Digre thought the idea was to make the training real and not take them for granted and sign up years from now.

Councilmember Vreeland attended the Transportation Authority meeting in San Carlos which had put on the meeting for the scoping session for the highway, following which he had phone calls to set up joint meetings to talk about how they got to this point. He thought the meeting could have been run better, and he was impressing on them that they needed to be in partnership with the City and let them see schedules and not be surprised. He assured the Council that he had impressed on the TA that it was not the best way to run a public meeting in Pacifica. They wanted comments on the two designs that they had, which were on their website as well as the City's, and he encouraged everyone to provide comments. He then mentioned that they had given a quick presentation on transportation accessibility issues for special needs individuals and the elderly, stating that they could call and have a van take them to an appointment. He was going to ask the TA to come and give a presentation. He mentioned that they wrote to Caltrans for staff to followup on the trip he had with them about cleaning up areas, fixing potholes, etc. He mentioned that some agencies include letters on their consent calendar as information, and he thought Pacifica might want to think about that and have the letter attached to the agenda. He met with the Youth Leadership Institute today and encouraged them to come back and put it on the agenda. He thought they were concerned about not moving fast enough, but staff needed to do the due diligence to ensure that it was an appropriate ordinance. He was encouraged by people's passion when they were involved in something.

Councilmember DeJarnatt stated that Pacifica School Volunteers were having a book sale in April with book sortings this week. He encouraged anyone interested to call Bernadette.

Mayor pro Tem Nihart stated that they were continuing to followup with the cliffs, mentioning that Assemblyman Hill's staff was meeting with the owner of the Dollaradio House. They were continuing to try to get resources out there. She then congratulated the Pacifica Education Foundation for reaching their goal to fund a teacher who would be helping with technology in the schools.

Mayor Digre reminded them that the three subgroups, customer service, marketing and outreach, will be described in the *Tribune*, and she asked about the date of the meetings.

Councilmember Vreeland commented that three of them could not talk about this.

Mayor Digre stated that she was just asking for the date.

City Attorney Quick stated that she could ask for a date but could not discuss it beyond that.

Mayor Digre stated that they had mentioned a date and that they were going to extend it and she was confused.

Councilmember Vreeland stated that they had said they wanted comments by the 19th, but didn't give a specific time period. They would accept comments longer than that, and they hoped to have a meeting quickly, and possibly set a date with City staff by the end of the week.

Mayor Digre stated that the Open Space Committee meets regularly on the 3rd Wednesday of every month. She stated that they had quite a few interesting subcommittees. She referred to the Airport tour, adding that they had to wait for airplanes. She also went to the Historical Society and Chamber meeting at the castle. She was pleased that they were working so well together. She stated that they had a JPA meeting for the Fire Department, May 13, in Daly City. She stated that she would appreciate people joining her in attending the meeting because this outsourcing was a serious matter.

ORAL COMMUNICATIONS

Mayor Digre opened Oral Communications.

Captain Realyvasquez, Pacifica, informed the community about an exercise in partnership with Daly City and Pacifica CERT teams and SMC for a Silver Dragon emergency drill that will take place in Linda Mar. He stated that the CERT teams will be going door to door to approximately 1,500 houses delivering earthquake preparedness information in order to test their ability to distribute large quantities of supplies, etc. They had done several similar types of tests previously.

Mayor Digre referred to people with special needs who should have medicine available in the proper bottles with at least 8 days' supplies.

Captain Realyvasquez agreed that 8 days was a good amount of time because you don't know how long it will take to get assistance during an emergency and the longer you can sustain yourself the better off you will be.

Tod Schlesinger, Linda Mar, mentioned the best and worst of Pacifica, stating that Nancy Hall and Jim Vreeland were the worst example of government spending on the biodiesel project. He referred to some articles in the paper about the Council by Sharon O'Brien and Dave Alquist regarding the areas subject to the California Coastal Commission, mentioning some of the specific properties in that area, and then questioned how Commissioner Vreeland could continue to serve when he works for the EPA. He commented that he had checked with the Fair Political Practices Commission that he could say whatever he wants during Oral Communications if it affects the whole Council and he felt Commissioner Vreeland should be impeached because he cannot serve and he also felt that Commissioner Vreeland had used personal and political gain as his motivation without regard for his constituents. He stated that Commissioner Vreeland had been and would continue to be called on it. He asked if he would vote on what would help him personally and politically, do his job or resign, be impeached, or be censored by the Fair Political Practices Commission. He stated that this was being questioned publicly in the newspaper and he would like the Council to take action. He mentioned that this would affect Planning Commissioner Campbell as well, since he also works for the EPA. He asked if he was correct.

Mayor Digre stated that they cannot answer questions.

Mr. Schlesinger stated that they can if they want, according to the Code of Conduct, and it was their choice if they didn't want to answer him. He felt the question remains as to whether Commissioner Vreeland can or cannot do his job. He didn't believe he could blow with the wind, but had to do his job whether he liked it or not.

Councilmember Vreeland stated that he would like to respond.

Mayor Digre asked for advice from the City Attorney.

City Attorney Quick stated that just because elected officials properly recuse themselves when called upon by any regulations, it was not grounds for any kind of impeachment but actually preserved the integrity of the elected system.

Councilmember Vreeland stated that, while he usually chose not to respond, he was going to respond because he has seen the articles and felt there needed to be a clarifying statement about what this was. He stated that it had nothing to do with the FPPC, the State of California, the California Coastal Commission, property west of Highway 1 or anything else that Mr. Schlesinger talked about. He explained that he worked for the federal government and he cannot represent the City Council in front of another federal agency. He stated that the only time that a federal agency had come to the Council was once in the last ten years when FEMA came. Normally, staff handles the business with federal agencies, so he felt Mr. Schlesinger was 100% wrong. He challenged him to go to the FPPC or the state. He mentioned the rulings from the ethics official, and added that a person's profession should not preclude that individual from serving his community. He felt that anyone saying that he would duck and cover had not seen him over the past 12 years because he had taken the issues straight on. He mentioned the similarity of Mayor pro Tem Nihart not being able to talk about the Council chamber property because of where she lives and stated that they were both upholding the highest ethical standards. He felt that Mr. Schlesinger's comments were mean-spirited and wrong. He challenged anyone who would like to discuss this with him to call City Hall and he would have a personal conversation about this. He felt that he has served this community the best that he could and to the highest ethical standards.

Mr. Schlesinger began to respond.

City Attorney Quick suggested that the Mayor call the meeting to order.

Mayor Digre called on the next person.

Therese Dyer, 1408 Crespi Drive, stated that she has been to more meetings than the City Council, mentioning the water board, transportation and the charter meetings regarding the county supervisors. She stated that she brought this up, specifically that only she and Bernie Sifry were representing the City of Pacifica. She mentioned the County counsel had handpicked his review panel with the meeting at an inconvenient time, but they had attended all the meetings and felt they had made a difference. She explained that they had insisted that the meeting be televised. She also had given them a really good suggestion regarding when an elected official did not fulfill his full term and wanted to go to a higher office. The county had to accept the costs and she proposed the suggestion that, if a person does that and had enough money to run for higher office, they had the money to compensate the County. She stated that they were taking that under consideration. She would like more information on the Transportation Authority meeting because ten years ago Mayor Gonzalez had said Highway 1 would be widened in the spring and she wondered what happened to that. She didn't think it was the right time to widen the highway between Fassler and Vallemar and asked where they would get the money.

Mayor Digre stated that the Scoping meeting was televised, but she didn't know the schedule.

Sarah Bucini, Pacifica, stated that she had spoken to several Councilmembers about her handicapped neighbor who lives in front of Vallemar School and had asked about a blue stripe in front of her house. Her neighbor has to plan her shopping trips around the school schedule in order to park by her front door.

Mayor Digre asked what her address was.

Ms. Bucini stated that she was Maya Murphy at 208 Reichling.

Mayor pro Tem Nihart thought the Director of Public Works had already addressed that.

Anita Rees, Executive Director of Pacifica Resource Center, informed the Council of a couple of new programs being started at the Center, bread program, produce mobile, federal stimulus dollars for people in danger of losing their housing, then gave the specific requirements to avail themselves of each program. She encouraged people to refer eligible people to the Resource Center.

Mayor Digre commented that Ms. Rees had offered to house the gentleman from SC|ORE.

Ms. Rees stated that she did and would get his information.

Lynn Adams, Pacifica, welcomed Anita Rees to town, and then reminded everyone that the Resource Center always needed food, and accepted cans, etc., as well as gift cards and money. She stated that they had been working there for Earth Day and they have learned that it was a special place. She reported that the Pedro Point headland project was underway. Volunteers were working on the property for the last two months and they achieved a lot, such as widening trails, etc. They invited volunteers for their next work party on March 28. She informed everyone that Earth Day was April 24 and Pacifica was celebrating their 40th anniversary of Earth

Day. She described a fundraiser they were having on March 26 to allow them the ability to provide refreshments to Earth Day volunteers on April 24. She also invited everyone to sign up for Earth Day and acknowledged the Council and Recology for their participation. She concluded by saying that they were dedicating this year to recycling and the brown pelican.

Mayor Digre closed Oral Communications.

CONSIDERATION

11. Parking Charge for Pacifica State Beach Parking Lots and the Crespi Parking Lot.

City Manager Rhodes presented the staff report.

Councilmember Vreeland stated that he would like to hear thoughts from Bruce Banco of the PB&R Commission since he was part of the discussions.

Mr. Banco stated that, in December, they had different viewpoints about how to move forward. Following a study session and thorough discussions, they were now in total agreement with the conclusion as explained by the City Manager and they would like the Council to move forward as quickly as possible.

Councilmember Vreeland thanked him for being present. He then asked staff if the Coastal Commission had explained that the City could not move forward unless they came back with a new proposal.

City Manager Rhodes stated that they had indicated they would not be inclined to approve a tiered system and deferred it to the State Parks people who said it violated their agreement with the City.

Councilmember Vreeland asked clarification that, when we attempted this before, state agencies had told them that the original proposal was not acceptable.

City Manager Rhodes responded affirmatively.

Councilmember Vreeland asked that it be reflected in the report because he didn't think it was clear. He disagreed with the state, explaining that while they have the beach, Pacifica has the management of the beach. He stated that they have done nothing at all while Pacifica has worked hard to find money to get this done, and he felt it would be nice for residents to have a different rate from non-residents. He would like the report to reflect that. He then referred to the comment that this was revenue neutral, and asked if it assumed that the existing \$160,000 which was currently charged for a variety of costs on the beach would now be charged to this new revenue stream.

City Manager Rhodes responded that he was correct.

Councilmember Vreeland felt that it was more than revenue neutral, because the City was actually making about \$100,000 a year.

City Manager Rhodes agreed, but clarified that, in terms of the beach and the program, it was revenue neutral. He explained that he was stating it that way because of how the contract reads

and how they analyze it. He stated that it was a gain to the City overall, but we have to look at it in the context of what we were doing at the beach, and there it was revenue neutral.

Councilmember Vreeland thought it was a part of what they worked on with the PB&R and others, making sure that, once the improvements were made, we work on developing a revenue stream to take the burden off the City to manage the revenue stream. He asked if that was the direction to which staff was heading.

City Manager Rhodes agreed, stating that it was how they characterized it in meeting the terms of our contract with the state.

Councilmember Vreeland stated that he wanted to be clear that he would not be supporting it if it was losing money, but if not losing money, it is just the way they were reporting it.

City Manager Rhodes stated that, with the overall picture, the City was gaining at least the \$160,000 they were paying for services now. He stated that, as they were required to look at it for the state, it was paying its way and the income would support the beach.

Councilmember Vreeland thanked the City Manager and Mr. Banco.

Mayor pro Tem Nihart thanked Mr. Banco and the PB&R for their hard work. She appreciated the comment about the Coastal Commission and would also like that reflected. She referred to the portion regarding the Pedro Point Community Association, and asked that they elaborate on the mention that staff had agreed to work with the association, such as assigning to PB&R, Police, etc.

City Manager Rhodes stated that it was the Police Department, and he was also meeting with them. He stated that it may change, adding that Councilmember Vreeland lives in the neighborhood and had been involved in the process.

Mayor Digre referred to the Coastal Commission's comments, asking if they just say no without giving a reason.

City Manager Rhodes stated that they gave a reason, expressing the belief that it violated the City's contract with the State Parks Department and we had to fix that.

Mayor Digre thought it was because of the Coastal Act, and she wondered if they thought we were prejudiced toward our own people.

City Manager Rhodes stated that they didn't go in that direction because they had another avenue to use.

Mayor Digre opened public comments.

Breck Hitz, Kent Road, was acting on behalf of the Pedro Point Community Association. He felt the City Manager had put forth all the salient points. He was present to emphasize the community's concern on the impact that paid parking in the beach area could have, which could also affect other areas. He stated that there was a diversity of opinion from Pedro Point residents, and they had not yet found a consensus, so he could only mention that there was a lot of concern. He confirmed that they have talked with the Police and staff, and had more discussions coming up. He was hopeful that they would come to a conclusion which satisfied everyone's needs.

While they did acknowledge the need for the revenue to the City and supported that, they didn't want it to be achieved at the sacrifice of the tranquility of their neighborhood.

Tod Schlesinger, Linda Mar, stated that, while he rarely agreed with Councilmember Vreeland, he agreed with him on this after reading the contract. He stated that the contract with California regarding the beach was from 1991. He then stated that the Coastal Commission was out of line because it stated in the contract that the state has nothing to say about the fee schedule. He felt that, by the Coastal Commission saying that the state did, the City was getting beat up. He thought we should have had the money coming in since 1991, which would have supported the park ranger and the clean up on the beach. He felt this was a major failure on the part of the Council over the past several years and also felt that there was no reason we shouldn't have been collecting fees except for political posturing or a complete failure by staff and Council to resolve this issue. He stated that he read contracts for a living and felt Councilmember Vreeland was right. He added that, if the Council continued to allow the Coastal Commission to dictate, they were not doing their jobs. He reiterated that the state cannot dictate what the fee schedule is.

Richard Zuromski, Pacifica, felt that everyone wanted to move forward with this. He acknowledged that PB&R and staff had talked about all the details, and there were still some details to be worked out. He felt that, until they took the step to move forward, ask the Coastal Commission to move forward and actually implement the plan, we would not know what was going to happen. He felt this was a program that would benefit the City in many ways, specifically paying for rangers who will provide overall benefits and a definite monetary benefit to the City. He urged the Council to get this moving. He felt this was a chance to take the beach area and make Pacifica more of a destination.

Mayor Digre closed public comments.

Councilmember DeJarnatt stated that he was happy to see it back, acknowledging that the Coastal Commission was not pleased with the City for attempting to charge a separate rate for citizens. He would prefer to give the citizens a break but acknowledged that it was not in the cards. He felt this was reasonable and he supported it. He was anxious to move forward.

Mayor pro Tem Nihart agreed with his comments, adding that she hoped they would continue to work with the neighborhoods that would be impacted.

Councilmember Lancelle also agreed with the comments. She thought that, going forward, it would be an ongoing process. She had been present when this had come before them previously. She stated that now, it returned, was vetted and had gone through the process. She stated that Council, staff and Commissioners had addressed the issues, and thought there might be some remaining issues that they will need to deal with, but she thought it was great to move forward and be able to maintain the beautiful project that was done on the Pacifica State Beach in a way it deserves.

Councilmember Lancelle moved to direct staff to proceed with re-activation of the parking fee application before the Coastal Commission and, if approved, return to Council with measures to implement the program and begin procurement of the ticket machines; seconded by Councilmember Vreeland.

Councilmember Vreeland also wanted to echo and add to what Mayor pro Tem Nihart said. He stated that, as they moved forward, they needed to pay special attention to the neighborhoods, Linda Mar Shopping Center and other commercial establishments. He also felt they needed to

ensure that the senior population using the Community Center had special attention to make sure they were not negatively impacted by this. He suggested that, once they have gone through the implementation, six months into the process, staff bring a report to Council on how it was going. He was thankful for the PB&R's work on this.

Mayor pro Tem Nihart underscored the issue of neighborhoods being impacted by parking, stating that she was very sensitive to the neighborhood issue and would like that addressed.

Councilmember Lancelle referred to the Community Center parking, stating that she thought they had made some provision in the recommendation for senior parking.

City Manager Rhodes stated that they had planned to start a program with Seniors in Action which would provide parking for people.

Mayor Digre thought there was a possible formula for handling the handicapped parking at the beach parking lot.

City Manager Rhodes stated that she was correct.

ROLL CALL VOTE:

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

Motion passed: 5-0.

Mayor pro Tem Nihart stated that, in the absence of the Mayor, they were taking a two-minute break.

12. Vallemar Elementary School Crosswalk.

Assoc. Engineer Rodgers presented the staff report.

Councilmember Vreeland asked if staff was recommending that we wait until grant funds are secured to make these improvements.

City Engineer Ocampo stated that the budget was so tight that they did not have the money needed per site to install the flashing lights.

Councilmember Vreeland stated that he had gone by the area on the way to this meeting and it was dark with few signs and was not a safe crossing. He hoped they could find something quicker than waiting for a grant. He asked if they had looked at stop signs and the impact that would have.

City Engineer Ocampo stated that the warrant for a stop sign was not met at that particular location because the crossing was primarily used during school hours.

Councilmember Vreeland asked how a stop sign on Crespi was okay.

City Engineer Ocampo stated that it was by action of Council.

Councilmember Vreeland asked if Council could say they want a stop sign at Vallemar.

City Engineer Ocampo stated that they could do that.

Councilmember Vreeland asked if that met the warrant.

City Engineer Ocampo stated that it did not meet the warrant.

Councilmember Vreeland asked clarification that Council could give direction to do something like that.

City Engineer Ocampo responded affirmatively

Councilmember Vreeland thought there were some interim steps they could look at. He stated that he had asked that this be brought forward when he got calls from a couple of parents. He was merely asking questions and was curious about other alternatives.

City Engineer Ocampo mentioned that the sign at Crespi used to be a stop sign which revolved and, with the help of a crossing guard, it was placed on stop during school hour arrivals and departures, and Council voted to have that made permanent. As the traffic engineer, his recommendation was not to overrule what the warrant was, but that was at the Council's discretion.

Councilmember Vreeland clarified that Council did exactly that in that case which has set a precedent.

City Engineer Ocampo stated that was his recollection.

Mayor pro Tem Nihart asked what the warrant was for a stop sign.

City Engineer Ocampo stated that there was a list that has to be met in order for a stop sign to be warranted for a particular location, specifically, a delay of traffic, but never for speed. In a crosswalk, you normally have other ways, such as flashing lights along the border. He stated that, if we put a stop sign when not being used, such as after school, the motorists have to stop and the motorist will speed up to make up for the lost time. It was felt that, instead of reducing speed, they tend to speed up to make up for lost time.

Mayor pro Tem Nihart asked if he had studies to back that up.

City Engineer Ocampo responded affirmatively.

Mayor pro Tem Nihart stated that she was very concerned and questioned whether it would move the problem up to the "Y" because that was a blind intersection.

City Engineer Ocampo explained that, if a motorist was eastbound on Reina del Mar and hits the stop sign, especially if no one was crossing but he was forced to stop, he will either roll through the sign or speed up to make up for the lost time. He felt they had the risk of a stop sign that would be neglected.

Mayor pro Tem Nihart asked the City Attorney if they were restricted to this specific location, not the Y.

City Attorney Quick stated that this was the only item on the agenda.

Councilmember Lancelle referred to the City Engineer's comment that the safe routes to school program was very competitive and she asked him about the new county committee. She stated that she had spoken to staff about the possibility of having Pacifica represented on that committee.

City Engineer Ocampo stated that he had spoken to John Huong of CCAG who was in charge of the program and he had mentioned that one person applying for the new task force was a resident of Pacifica who was connected with the school.

Councilmember Lancelle asked if that was taking place.

City Engineer Ocampo hadn't heard any more but had tried calling him for an update. He would try to contact him tomorrow. He added that another avenue staff was looking at was to go through BPAC because this was for pedestrians. He stated that there weren't only looking at safe routes to school as a means for putting this in, but other avenues such as BPAC and TDA Article 3.

Mayor pro Tem Nihart referred to the MTC and asked whether he had specifically asked for the superintendent to attend, clarifying that she meant the subcommittee for the grant.

Assoc. Engineer Rodgers stated that the school district was notified that the school district could be part of that committee.

Mayor pro Tem Nihart stated that one of the school board members did attend the meeting and would be following up.

City Engineer Ocampo stated that they would also be following up from their end, encouraging Mr. Huong to make sure that Pacifica was represented.

Mayor Digre opened public comments.

Doreen Murphy, Driftwood Circle, thanked the Council for having this on the agenda. She stated that the PTO had supported the crossing guard position for the past two years because they felt it was a vital position and the district was unable to fund this position. She explained that they cannot use parent volunteers for this position. She felt the crossing guard did a good job of monitoring traffic and keeping it flowing. She felt that helped relieve some of the pressure at Highway 1 and Reina del Mar, adding that they still had several near misses. She mentioned past failed attempts to receive the grant and she was concerned about waiting much longer. They were asking again for improved signage, underground lighting, etc., and development of a timetable to make it happen.

Rebecca McMullin, Pacifica, stated that she was the crossing guard. She stated that she was well lit now and could be easily seen, but many times she is out there and either the driver is in a hurry or doesn't care, and she has had people go past and ignore her stop sign. She hoped that something can be done before a tragedy happens.

Sheila Merlo, Pacifica, stated that getting kids to and from school safely was everyone's responsibility and mentioned the relationships between streets, sidewalks and buildings. She stated that a child didn't have a chance against any size vehicle, and she felt a well marked

crosswalk can benefit pedestrians by directing them to locations where there was appropriate traffic control. She added that marked pedestrian crosswalks alone did not slow traffic or reduce crashes. She felt we can work together to help keep Pacifica's children safe from preventable accidents. She referred to a few suggestions she made to improve the visibility of the crosswalk, such as being willing to have white diagonal lines repainted. She thought the speed limits should extend to the rest of Vallemar, and she had some other ideas on that. She also mentioned a pedestrian bridge across the creek which would improve the Y situation for a safer route to school.

Sarah Bucini, 219 Reichling, stated that she was a native of Vallemar and thought the area had always been dangerous. She took pictures today which she presented to the Council for their viewing, and they showed how dangerous it can be. She agreed with everything everyone has already said. She mentioned that she has personally saved people from being hit by cars. She liked the recommendation of a speed bump because that might slow them down when a sign would not. She asked the Council if they would do something about this dangerous situation.

Jen Siewert, Pacifica, stated that she would like to address the idea of a stop sign. She acknowledged that budgets were tight, but would like to figure out how to get the higher technology in. She stated that she lived on Rockaway Beach, and they had a stop sign. She felt it was an easy way to stop traffic, adding that she didn't think they could speed up to get to Highway 1. She thought one of the problems was, when people took a left off Reichling, they were looking up Vallemar to check for cars and then turned without seeing people in the crosswalk, adding that she almost got hit in that type of situation. She asked if they could bring that back to the table before concluding the discussion.

City Attorney Quick stated that this was the opportunity for the public to testify but not for dialogue.

Ms. Siewert asked if they would have to have another meeting to discuss stop signs.

City Attorney Quick stated that they didn't have to wait to discuss it but there could not be a dialogue.

Ms. Siewert asked how Cabrillo got funding for their crosswalk.

Eileen Manning-Villar, Pacifica, stated that she was a member of the Pacifica School District Board and was the member who attended the meeting mentioned previously. She was present as a parent and member of the Vallemar neighborhood. She agreed that this has been an ongoing issue, and she had been involved when they got the crossing guard because a pregnant parent had almost been hit and they had realized that they needed something more. She concluded that many of the people driving on Reina del Mar did indeed drive too fast or were not looking, and in the spring there was another issue of sun in their eyes. She felt having something in place to increase visibility was important. She mentioned that she had been the only parent north of Burlingame who attended the safe routes for schools task force meeting, and she felt it was important to get more North County people. She and another board member would definitely be there but she thought other group representatives should be there also to keep Pacifica on the radar. She had told Mr. Huong that there should be a North County person on the committee. She thanked the City for their efforts, adding that she would like to see safer routes to schools at all the schools in Pacifica.

Mayor Digre closed public comments.

Mayor pro Tem Nihart stated that she wasn't worried about the route from the school to the highway, but did worry about the route from the school to the Y. She stated that she was there on the Day of Action and she was blown away. She felt that the testimony they heard was pretty accurate. She also recognized that it wasn't completely straightforward. She asked the City Engineer to address some items mentioned such as the speed bump, etc. She also asked him to address the possibility of a temporary sign.

City Engineer Ocampo stated that in dealing with the increased visibility, it would be yellow because that represents a school. He referred to bot dots being missing, and stated maintenance would make sure they were placed. He referred to not normally placing them in the middle of the road, but they had placed them at Crespi to "alarm" the motorists that they were speeding. However, the neighborhood didn't like it because they felt it was noisy, especially at night, when they wanted to sleep so maintenance had to take them out.

Mayor pro Tem Nihart asked confirmation that they took them out because of the noise.

City Engineer Ocampo reiterated that they had gotten complaints from the nearby neighbors.

Mayor pro Tem Nihart asked about the speed bump.

City Engineer Ocampo stated that the speed bump issue was discussed by Council a few years back. He explained that the speed bump reduced the response time of public safety vehicles, especially fire trucks, because they have to slow down, breaking far in advance because of their weight, then roll over it and try to pick up the speed. Every second was important if there was a life at stake, which was what the Council heard then and they decided against them. He stated that, on a street like Reina del Mar, which was like a main artery, you don't normally put speed bumps.

Mayor pro Tem Nihart asked about the temporary stop signs.

City Engineer Ocampo stated that he appreciated Ms. Manning's presence. He stated one City's project was not the same as other cities' projects, and he was fighting for geographic equity. He explained that they all pay into the tax base and it was right that they spread the wealth. He was teased by his colleagues because he tried to hammer that idea in. He felt that was the only way for Pacifica to compete with other big cities, and he felt it was important for Pacifica to be part of task forces where they decide on how monies are being distributed so they hear the point of views of Pacifica and will get grants going. He referred to a flip-flopping stop sign at Cabrillo, where the crossing guard has a key to flip the sign to face the flow of traffic which would be in effect during school arriving and departing times. He thought they could look into that for Vallemar. He stated that they could put back the pedestrian stake markers and secure them to the ground so they weren't stolen.

Mayor pro Tem Nihart thanked him for his efforts in joining with the school district because it made for a stronger grant. She was in agreement with him on the equity thinking. She then asked if the police looked at targeted areas.

Captain Bertini stated that they did specific enforcement and can do traffic logs for any kinds of violations seen, such as crosswalk violations and speeders, adding that it was dependent on the cause of service going on at that time.

Mayor pro Tem Nihart understood, but she referred to anything they can do to increase awareness. She asked if the flashing speed signs got people to slow down.

Captain Bertini stated that they did because some people saw it, didn't realize they were going that fast and it would tend to slow them down.

Mayor pro Tem Nihart asked if they had a temporary one.

Captain Bertini stated that they had the speed radar trailers to put out and, through a traffic grant, they had recently received two more. He thought they were going in other places, adding that the City had a total of ten.

Mayor pro Tem Nihart mentioned doing a combination of things, such as repainting the crosswalk, getting more reflection, education from the police department, and thought they might be able to get people to slow down.

City Engineer Ocampo stated that, as part of the next paving project, they were going to do a change order for the cross hatching and restriping at that crosswalk.

Mayor pro Tem Nihart asked him to repeat that.

Councilmember Vreeland stated that he had said that, if they got a second stimulus, staff would look at ways to do the cross hatching.

City Engineer Ocampo added that it would involve paving and they would have a contractor to do the thermoplastic and they would put the hatching on that particular crosswalk.

Councilmember Lancelle asked if the cross hatching was a visual thing or if the in pavement made it feel different.

City Engineer Ocampo explained that it would be stripes between the two lines to make the crosswalk visible. The thermoplastic also had glazing and was like crystals imbedded that made it more reflective. He states that it lasted longer, up to about eight years. He added that part of their safe routes to school was the pedestrian bridge which would be part of what they were submitting to CCAG for the safe routes to school.

Councilmember Lancelle recalled walking with Sheila Merlo over the whole route as they looked for a way to deal with the Y and came up with the idea of the bridge. She mentioned that she had also talked to the City Engineer about it. She felt it was such a compelling project because, to show a committee, it looked treacherous at the Y but with the bridge more parents would let their kids walk to school. She commented that it would be going to the BPAC.

City Engineer Ocampo stated that the safe routes to school was where they were applying and it would be going to CCAG, then added that it might also go to BPAC.

Councilmember Lancelle appreciated the discussion regarding the flashing sign. She felt the one on Sharp Park Road was very effective, as well as the one on Fassler, and people can see that.

City Manager Rhodes suggested that they direct staff to come back with a plan for what they can do there rather than going through all of them. They can then have something direct to talk about.

Councilmember Lancelle also suggested that they have members of the community at Vallemar review it and provide input before it returns to Council.

Councilmember Vreeland thought it was fine. He felt they had an opportunity to see how it could work with the school year ending, and he suggested that the Council direct staff to do a temporary stop sign fairly quickly and see the impact over a 3-month period. He felt they should try to do something, because once the school year was over, it wouldn't be an issue and the Council wouldn't get into it. He felt they should discuss it now, mentioning that there were several parents and a school board member involved. He felt in this situation they could do something more quickly. He then stated that, if it was the Council's preference, they could have staff work on it with a lot of meetings, but it would be June before it comes back. He reiterated that he would like to see something more quickly. He stated that waiting for a grant to come in was good, but he didn't feel they could wait. He felt it was very similar to Lakeside Drive, and he didn't want to come back after something happens and say they could have done something. He felt now was the time to do something. He asked Ms. Manning if she could ask the board if the \$4 million in their reserve fund for capital improvements could be used to help with this. He stated that it was not an operational cost but a capital cost, and he again asked, if they paid for half and the City paid for half, could they do something. He stated that his goal was to implement some of these measures before this school year ends to allow them a period of time to evaluate the effectiveness of what they do.

Mayor Digre asked members to come up with suggestions so they can continue to move.

Councilmember DeJarnatt liked the idea of restriping. He thought the best would be to have them think about it, because he felt they could put together something better than the Council could on the spur of the moment. He did agree with Councilmember Vreeland that he would like to see it come back as quickly as possible, such as the next meeting. He was interested in trying a stop sign that was only active during school hours to see if that helped. He felt that \$20,000 was a lot of money to come up with and, if the school district could help, that would be great. He reiterated that he would like them to discuss it and bring something back as quickly as possible. He worried that, with a stop sign full time, they would just ignore it. He has seen them run it at Cabrillo. He felt that could cause more problems than it solves and he would like to see something part time. He reiterated that he would like to see them come back quickly with suggestions.

Councilmember Lancelle referred to possible collaboration for the funding, and stated that they needed to look at that. She referred to safe routes to school, and then asked, if someone came with other funding from another source, whether that made the grant application better.

City Engineer Ocampo stated that it did because it provided a higher score. He stated that the hatching and the missing bolts were maintenance things, and that was something they could easily do, such as with a contractor who does the thermoplastic. He assured them that they would try to put together a plan. He stated that, instead of waiting for the plan, they would just do the hatching. He would come back with a plan that would include the rotating stop sign but the maintenance issues would be addressed as soon as possible.

Mayor pro Tem Nihart stated that she was going to try to pull this into an action plan. She felt that, if they can do it, they should go for the hatching and the reflective bolts.

City Engineer Ocampo reiterated that they would install any missing reflective bolts.

Mayor pro Tem Nihart also encouraged the police department to look at this. She then asked when they could have an additional plan on the agenda.

City Manager Rhodes stated that it would probably be the meeting after next, because the next meeting was too quick a turnaround.

Mayor pro Tem Nihart asked if they could get started now with some pieces of this, moving ahead with the grants, as well as moving ahead with the plan from the community to do some of the other things.

City Engineer Ocampo stated that, with the hatching, they would try to get three bids. He thought the pricing was such that it could be done by the authority of the City Manager and the Public Works Director.

Councilmember Vreeland stated that his sense was that staff would do some maintenance work in the interim, and come back within a month with a flushed out proposal based on the discussion they had, ranging from temporary stop signs to flashing lights, etc.

City Engineer Ocampo responded that he was correct.

Councilmember Vreeland asked if they could get information from the parents and have a meeting so their input would be reflected in what came back from staff. He asked if that was a reasonable request.

City Manager Rhodes responded affirmatively.

Councilmember Vreeland stated that they would like to use people who were impacted by the problem, and he saw it at Cabrillo, Sunset Ridge, and this needed attention put to it. He was glad they could do something short term and long term and see how the grant plays out.

13. Reauthorization for Planning Intern to Exceed 1,000 Hour Threshold for Part Time Employees.

Planning Director Crabtree presented the staff report.

Councilmember Lancelle asked if this was something that has taken place over the last ten years, and there was an authorization ten years ago that it was all right to exceed the 1,000 hours.

Planning Director Crabtree responded affirmatively, explaining that when they went to the Council in 2000, they specifically asked that the authorization be for the position, not the person. He stated that they have used that authorization through every intern through the years.

Councilmember Lancelle assumed that the intern was paid a very small salary.

Planning Director Crabtree stated that she was correct, adding that this intern makes the least of any intern that they have employed because they have tried to keep the cost as low as possible.

Councilmember Lancelle wondered if an alternative could be to direct him to look for ways to reduce that expense and then they can review it during the budget process. She asked if he would be comfortable with that.

Planning Director Crabtree stated that, if that was the direction of Council, then that was what they would do.

Mayor Digre opened public comments.

Chuck Evans, Planning Commissioner, stated that the intern and the Planning Director's complete staff were invaluable to the Commission. He felt it was very helpful to have that background when they sat down for meetings, and he asked them to do whatever they could do to help.

Mayor Digre closed public comments.

Mayor pro Tem Nihart asked if this would increase the department's budget by \$3,000 for the year.

Planning Director Crabtree stated that it was the estimate from Personnel.

Councilmember Lancelle clarified that the alternative was to not have the intern work anymore if they were to not allow it to go forward, which was why she was suggesting that staff be prudent in the use of the intern and asked if that acceptable.

Planning Director Crabtree reiterated that, if that was the Council's direction, that was what they would do.

Councilmember DeJarnatt stated that he had no problem with this, because he was sure the Planning Director would be very prudent with the way the hours were used. He felt it would cost the City less to have an intern do it than to have anyone else do it. He felt they should go with this, because it saved them the cost of benefits and everything else when someone works more than 1,000 hours and it saves them money. He was sure that the Planning Director would be as prudent as possible with how much time was used.

Councilmember DeJarnatt moved that the City Council reauthorize the Planning Intern position to exceed the 1,000 hour threshold for part time employees within a fiscal year; seconded by Councilmember Lancelle.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

14. Adoption of Resolution Placing Term Limits Initiative on the November 2, 2010 Ballot.

City Clerk O'Connell presented the staff report.

Mayor Digre opened public comments.

Deborah Nagle-Burks, Pacifica, stated that she was one of the proponents for establishing the term limits. She was there to help the Council be more transparent about the options that were available for this initiative, specifically, they could have adopted it at this meeting, put on the June ballot, or put on the November ballot. She stated that, by adopting it tonight, it would save

the City between \$35,000 and \$50,000, while waiting until November would cost the City that range of money. She asked them to consider saving the City money by adopting it this evening.

City Attorney Quick clarified that, generally for ballot initiatives, there were three options, as described. However, when dealing with a term limit provision, that has a unique section under the government code and they do not have the option of refraining from putting it up for a vote in November. She stated that, even if they tried to adopt it tonight, they would still have to go to a vote, so that was not an option available to them. She added that, under the government code, it stated that it has to be placed on the next regular election which was defined elsewhere in the election code as being the municipal election. She stated that, to have a June election would be a special election, and therefore their only options were (1) to put it on the ballot by adopting the resolution tonight or (2) direct staff to do a report and then return and put it on the ballot, which was an option staff did not recommend. She reiterated that their only option was to put it on the ballot for November.

Therese Dyer, 1408 Crespi Drive, stated that she was one of the petitioners for term limits. She stated that she would like it on the ballot as soon as possible and, if they can save any money by adopting it tonight in any way, shape or form, she asked that they do that.

Bernie Sifry, Pacifica, stated that the City Attorney gave the Council legal advice that didn't conform to the law. He stated that it could be adjudicated. He referred to California Election Code 9215, and explained that Section B and C was what was presented to the Council and the public, while Section A was deliberately left out. He stated that an attorney who leaves out a section of the law which didn't fit her body of the law needed to go back to education. He then read Section A, which stated that the legislative body shall (1) adopt the ordinance without alteration at a regular meeting at which the certification of the petition was presented, (b) submit the ordinance without alteration to the voters, and (c) opt for a 30-day study group which was rejected and he agreed that the ordinance didn't deal with any of the items mentioned for (c). He felt that giving the voters the impression that they had only those last two options was not being transparent. He agreed that they had a right to choose the third option, but he felt it was a deliberate attempt to fool the public by saying they had only two options, when they had three options. He felt the Council needed to be transparent. He stated that this was a public that was wise, and this would get out. He felt it should have been presented with all options and then they had a right to Option B. He felt this was one way of not twisting the law.

City Attorney Quick clarified that, when dealing with term limits, Governing Code Section 36502 specifically addressed proposals to limiting the number of terms. She read that section, then explained what it meant and how it was to be interpreted, and that it had been adjudicated previously with cases on this issue and the advice she rendered, as well as the City Clerk, stood.

Mayor Digre closed public comments.

Councilmember Lancelle thanked the City Attorney for making it clear to the public so that they have accurate information. She felt that, because there were strong feelings about it, things may get exaggerated or seen as a certain way. She stated that she had spoken to Mr. Sifry, and he had expressed the thought that it should be put on the ballot to give everyone a chance to choose, however, she acknowledged that the unintended consequence was that it would cost the City and taxpayers approximately \$40,000 to put it on the ballot. She encouraged people to read the findings with a grain of salt and ask the Councilmembers any questions they had.

Councilmember DeJarnatt stated that, contrary to comments from the speakers, their choices were to order staff to do a study or put it on the ballot in November but either way they would be putting it on the ballot in November. He stated that he personally didn't care if there were term limits or not. He stated that, even if one of their options was to adopt it tonight, he would never do that because he felt that more than the 2,500 people should decide this issue when there were 22,000 registered voters.

Councilmember DeJarnatt moved to adopt the resolution, placing initiative on the November ballot; seconded by Mayor pro Tem Nihart.

Mayor pro Tem Nihart stated that a lot of people were against them, so she would put it to the ballot. She felt it was clarifying to find out how much and where. She commented that, the more you get into it, the more you find out that one government code supersedes another government code which was an important fact to realize.

Councilmember Vreeland stated that it saddened him that the proponents talked about transparency when it was clear what the legal opinion was, and to know that it was going to cost the citizens \$40,000. He felt that it was a fairly anti-democratic measure since we had term limits every 2 and 4 years by election. He was voting for it because he supported the voters' right to decide, but he felt they should read the section on the purposes of the proponents which he felt was very telling about what the intent was.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

15. First Amendment to the Agreement between the City of Pacifica and Stephen A. Rhodes Regarding Section 1 (Term), Section 4 (Compensation), and Section 5 (Additional Benefits a) Insurance and retirement and b) Vehicle Allowance).

Admin. Services Director Ritzma presented the staff report.

Mayor pro Tem Nihart underscored the last part which, by separating himself, included a voluntary freeze and he would not be getting pushed up. She stated that each and every change in his benefits would come before the Council.

Admin. Services Dir. Ritzma confirmed that previously when there was a change in the department directors they had to adjust his salary and benefits as well.

Mayor pro Tem Nihart stated that he separated it himself, starting it by taking a freeze for this budget cycle.

Admin. Services Dir. Ritzma agreed that he has taken no increase since 2009.

Mayor Digre opened public comments.

Earl Anceston, Pacifica, apologized because he was going to talk on this until he found out who it was and realized that he was working full time. He added that he had planned to speak in support of the Council on the previous item.

Mayor Digre closed public comments.

Councilmember DeJarnatt stated that he appreciated the City Manager for doing this because it saved the City money by him not taking a raise. He felt the City Manager was well worth the money.

Mayor pro Tem Nihart thanked the City Manager for his leadership in setting what they need throughout the budget cycle. She was supportive of that and appreciated that he did it last year when he didn't need to, and she thanked him for doing it this year. She also thanked him for his service.

Councilmember Lancelle also thanked the City Manager for responding to the current situation in doing what he did by taking a salary freeze this year and decoupling the automatic raises that might have taken place in the contract. She thanked him for his leadership.

Mayor Digre also thanked the City Manager for his commitment to the City. She appreciated him, stating that he was a positive thinker.

Councilmember DeJarnatt moved to approve resolution amending agreement between the City of Pacifica and Stephen A. Rhodes regarding Section 1 (term), Section 4 (compensation), and section 5 additional benefits a) insurance and retirement and b) vehicle allowance); seconded by Councilmember Lancelle.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

Councilmember Lancelle announced that President Barak Obama intended to nominate David Mineta for Deputy Director of Demand Reduction, Office of the National Drug Control Policy Executive Office of the President, and then read part of the president's comments. She congratulated David Mineta.

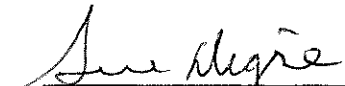
Mayor Digre adjourned the meeting at 10:20 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 3/22/10; 4-0 Councilmember Vreeland absent



Sue Digre, Mayor