



**CITY OF PACIFICA  
CITY COUNCIL MINUTES**

**Council Chambers  
2212 Beach Blvd  
Pacifica, CA 94044**

Mayor Pete DeJarnatt  
Mayor pro Tem Len Stone  
Councilmember Sue Digre  
Councilmember Mary Ann Nihart  
Councilmember Ginny Jaquith

**November 26, 2012 (MONDAY)**

**[www.cityofpacifica.org](http://www.cityofpacifica.org)**

Mayor pro Tem Len Stone called the meeting to order on November 26, 2012 at 7:00 PM

**6:00 PM CLOSED SESSION**

1. PURSUANT TO GOVERNMENT CODE SECTION 54957 Public Employee Performance Evaluation. Title: City Manager
2. PURSUANT TO GOVERNMENT CODE SECTION 54957.6 Conference with labor negotiator. Agency negotiator: Ann Ritzma. Employee organizations: Pacifica Police Officers Assn.; Pacifica Police Supervisors Assn.; Police Management Local 350; Pacifica Fire Fighters Local 2400; Teamsters Local 856 Battalion Chiefs.

**7:00 PM OPEN SESSION**

Call to Order

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Pete DeJarnatt	Mayor	Excused	
Len Stone	Mayor pro Tem	Present	
Sue Digre	Councilmember	Present	
Mary Ann Nihart	Councilmember	Present	
Ginny Jaquith	Councilmember	Present	

Staff Present: Steve Rhodes, City Manager; Michele Kenyon, City Attorney; Ann Ritzma, Admin. Ser. Director; Jim Tasa, Police Chief; Ed Vandehey, MIS Manager; Kathy O'Connell, City Clerk.

Salute to the Flag led by Mayor Pro Tem Stone

Closed Session Report

City Attorney Kenyon stated that there was no reportable action taken.

## CONSENT CALENDAR

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ginny Jaquith, Councilmember
<b>SECONDER:</b>	Sue Digre, Councilmember
<b>AYES:</b>	Stone, Digre, Nihart, Jaquith
<b>EXCUSED:</b>	DeJarnatt

1. Approval of Disbursements.  
**PROPOSED ACTION:** Approve
2. Approval of Minutes for the November 13, 2012 City Council Meeting  
**PROPOSED ACTION: No action required.**
3. Economic Development Committee Co-Sponsorship with Pacifica Chamber of Commerce of KIMCO Event  
**PROPOSED ACTION:**  
Authorize the Economic Development Committee to co-sponsor with the Pacifica Chamber of Commerce the KIMCO KEYS Open House
4. Cancellation of December 24, 2012 City Council Meeting  
**PROPOSED ACTION: Approve cancellation of December 24, 2012 City Council meeting.**
5. Salary Adjustment for the Position of Director of Wastewater Collections and Plant Operations  
**PROPOSED ACTION:** Adopt the resolution establishing a new compensation range for position
6. Appointment to the San Mateo County Mosquito & Vector Control Board of Trustees  
**PROPOSED ACTION:** move to appoint Peter DeJarnatt as the City of Pacifica representative to the San Mateo County Mosquito and Vector Control Board of Trustees.

## SPECIAL PRESENTATIONS

Proclamation - Oceana High School 50th Anniversary

Mayor pro Tem Stone mentioned that they had a proclamation and presentation for Oceana High School's 50<sup>th</sup> anniversary. He asked if there was anyone present representing the high school. He stated that Councilmember Nihart was interested in reading the proclamation and asked her if she wanted to read it now or do it at another time.

Councilmember Nihart stated that she would prefer to wait.

Mayor pro Tem Stone stated that they would continue it to another meeting and try to set it up with someone to be present.

Councilmember Nihart explained that it was the 50<sup>th</sup> anniversary and they have had a lot of accolades for which we should all be proud. She thought something must have happened because she thought a representative was going to be present.

## **PUBLIC HEARINGS**

### **7. Recology of the Coast Rate Adjustment**

**PROPOSED ACTION:** Move that the City Council adopt a Resolution of the City of Pacifica Confirming the 1.89% rate adjustment per Recology of the Coast's Rate Application for the Period of January 1, 2013 to December 31, 2013

Admin. Ser. Dir. Ritzma presented the staff report. She stated that there was a representative from HF&H if there were questions about the report.

Councilmember Nihart asked the representative if they took into account the gas price increases which were in operating expenses.

**Marva Sheehan, Vice President of HF&H Consultants**, stated that, when they look at the fuel costs and the field indices applied to it, it is part of the operating expenses.

Councilmember Nihart asked her to speak about the costs that were not allowed as part of the allocation.

Ms. Sheehan explained that, per the agreement, there were costs that were not allowed, such as charitable contributions, legal expenses that do not relate to the city, a cap on general administrative expenses, and they go through to insure that they are not there.

Councilmember Nihart assumed that all of them get taken out.

Ms. Sheehan responded affirmatively.

Councilmember Nihart explained that she was asking questions that had come from the general public.

Ms. Sheehan reiterated that they were very careful to look because there was a reason allowed costs were included and they make sure that they look at them and the support behind them.

Councilmember Nihart asked if she recalled the decreased revenue projection because of the decreased can size.

Ms. Sheehan stated that, when they looked at the migration of people going from the higher rates to the 20-gallons, this was what all cities were facing. She stated that there were costs for the other additional carts, such as the containers and the pickup. She stated that they were trying to work with people to think of it as an overall collection system and not tied to just the garbage cart.

Councilmember Nihart concluded that those other requirements helped them meet the requirements for reduced landfill.

Ms. Sheehan agreed, adding that they were meeting their recycling goals which needed to happen and that will be achieved by adding the green waste and recycling.

Councilmember Nihart asked her to address the rules that govern them in terms of the audit, for the public's information.

Ms. Sheehan explained that, as a firm, they perform these types of rate reviews throughout California. She stated that she has been with HF&H for 7 1/2 years and, prior to that, she was a controller for Allied Waste for 13 years, concluding that her background was in solid waste. She stated that they used the compensation methodology which they apply, looking at the detail and following the prescribed methodology.

Councilmember Nihart concluded that her reading with it was that the expenses versus what they need to cover costs was going to fall about \$100,000 short, given where they were now.

Ms. Sheehan responded affirmatively.

Mayor pro Tem Stone opened the Public Hearing.

**Therese Dyer, 1408 Crespi Drive**, asked if the City Council or HF&H could put something in the paper or come to a meeting to explain their reasoning for the hike increase instead of the day they were supposed to protest because it didn't give people an incentive to come. She stated that the green piece of paper was not a vote, but as a vote or an initiative, they would have a different answer. She stated that she was going on record that she was protesting the increase, not because of what Recology was doing but because the contract entered into with a franchise agreement where the City gets \$83,000 or \$85,000 a year. She stated that we didn't have any comparison with what other cities paid for a franchise but she did know Millbrae and Los Altos were a couple who pay a lower rate than Pacifica and she would like to see that comparison. She asked that a Councilmember write a column in the Tribune so they are updated on it.

**Barbara Asay, Rita Way**, stated that she was outvoted by the large families. As a one-person family, you don't have much garbage, explaining how easy her collection is for the garbageman. She then mentioned what she uses for the wet garbage, both very little, with no recycling and she feels she is paying a lot for what she puts in her can.

**Mary Brown, Pacifica**, commented that no one likes to pay more but, unfortunately, things are getting more expensive, such as gas, maintenance, PG&E. It was a fact of life that things cost more than in the past. She also mentioned that Pacifica was a different kind of town than those towns over more and steeper hills which cause more wear and tear on the trucks. She also mentioned that, being along the ocean, rust and maintenance came with that salt. She was aware that Pacifica had a lack of a commercial base, unlike a lot of other towns, to offset rates and that makes a huge difference. She didn't like her bill going up but she wants reliable garbage service and it may cost a little extra, but not even 2%. She concluded that it was very reasonable.

**Jim Crow, Pacifica**, stated that he lives on Mariner's Point, a condominium development with 98 homes, and was considered a commercial account by Recology and not eligible for free services available to other residences in Pacifica, such as compost bins and semi-annual curbside pickup of large items and he felt that keeping that waste stream out of the landfill should be a priority for Recology and the City. He personally cringes every time he puts plant

cuttings and food waste in the dumpster to go into the landfill because they don't have compost bins. He stated that Recology's weekly pickups at Mariner's Point appear to be more efficient than curbside collection elsewhere in Pacifica because they carry their waste to five enclosed trash areas within the complex and Recology makes only five stops instead of 98 individual residences but their association was paying more than the current residential rate for 98 32-gallon cans. He stated that they trusted the City Council to make the right decision on the proposed rate increase for residential customers but they asked the Council to require Recology to provide the same service to residents of Mariner's Point and other such developments as available to other Pacifica residents at a rate taking into account the reduced cost by collecting from the five trash areas instead of 98 individual homes. As Vice President of the association, he was available if more information was required.

**Bill Meyerhoff, 66 West Manor Drive**, stated that he was speaking in support of the increase even though his garbage bill was commercial and was over \$400, because he felt they got great service. He mentioned Recology picking up illegally dumped items behind his store. He stated that, in his business, he has experienced dramatic increases in various costs. He found that Recology's fuel costs were considerably higher, as well as dump fees, health care, wages, etc. He didn't think the 1.8% increase was unreasonable. He felt Recology was an important asset in the community with donations in time, equipment, man hours and money to local organizations. He mentioned that sometimes we have to spend money we don't want to, but it is not always about the cost but more about the value and he felt Recology was a good value for the community.

**Ken Miles, 111 Nataqua**, stated that Coastside Scavenger was small, catered to Pacifica and provided a lot more services than we have now. He felt Recology was a syndicate that ran over the whole state and was a major company with a lot of money and a lot of power. He felt that the Council was supposed to represent the citizens which was why they were talking about it. He felt that they came back over and over but the Council wasn't hearing them. He stated that he used to be a member of the recycling committee in Pacifica with Coastside Scavenger and it was successful, but he didn't feel this was a successful operation. He felt they should have a citizen's committee again to work with the city government and work with the consultant to make note of costs and income. He stated that they didn't hear about the money being made from the recycling efforts and he felt that was an oversight. He felt the present process was not effective, and he suggested sending postcards so that the residents can vote yes or no, not just a protest vote. He stated that he protested this vote.

**Lynn Krohn, 224 Reina del Mar**, was a small business owner and wasn't so concerned about the small rate increase, but she was present to throw out some questions to be answered later, specifically concerns about the difference in her one can, as opposed to the homeowner's can, not being able to go to the 20-gallon can because she was commercial. She felt she should be able to reduce the size of her can and her costs if warranted. She stated she didn't have a recycling bin because she didn't have any place to put it. She mentioned that her neighbor didn't use garbage cans at all and was charged the same price. She reiterated that many small businesses didn't take full advantage of Recology's resources but were paying for it.

**Roger Medler, Pacifica**, stated that he wasn't ready for this but he was going to call Recology to find out why there were so many truck pickups, as much as two truck loads a day and a white truck on Sunday. He felt they should be more organized which might cut down on the costs.

**Chris Porter, Pacifica**, was general manager of Recology. She stated that she has heard some strange comments. She felt that anyone who thought Coastside Scavenger had more

recycling programs than Recology was living in some fantasy world. She stated that Recology has allowed people to reduce their service from \$32 to \$20, \$45 to \$32 with all the programs available. She referred to the comment that a business did not use the service, and asked what she could do. She stated that they send out documentations about what they offer. She mentioned that some people say they recycle a lot, but she stated that recycling wasn't free. She referred to the income from recycling, mentioning that there was a yearly audit on that, done by an outside company, and the City was given their share. She stated that, in 2011, Recology did so well that the City received \$135,000 in the excess made. She assured them that no one was attempting to hide anything. She stated that they are part of the community and the money or time that they put into the community was not recouped through the rates but were part of their philosophy.

Mayor pro Tem Stone asked for the tally.

Admin. Ser. Dir. Ritzma stated that the tally at the end of the public hearing was 222 protests which represents 1.9% and which was not a majority of protests.

Mayor pro Tem Stone closed the Public Hearing.

Councilmember Nihart asked the City Attorney if a lawsuit, once settled, was a public record.

City Attorney Kenyon responded affirmatively.

Councilmember Nihart stated that then they can talk about it.

City Attorney Kenyon stated that they can talk about the settlement agreement.

Councilmember Nihart referred to the contract that allows for a certain increase under a specific formula and she asked, if met and they do not adhere to it, whether they can ask to reduce service.

City Attorney Kenyon stated that the way the Council has configured their relationship with Recology was that the Council's role in setting rates was delegated to Recology. She stated that what the Council was doing at this meeting was to confirm that the calculations by Recology were consistent with the formula presented in the franchise agreement. She stated that the City hired Ms. Sheehan from HF&H Consultants to do a peer review and determine whether Recology followed the formula and the consultant said at this meeting that they did follow the formula. She stated that the Council's ability to make a determination was limited to an administrative review as to whether they concur with the consultant's recommendations.

Councilmember Nihart thought that this was not a publicly owned but a private company with which they contracted.

City Attorney Kenyon stated that she was correct.

Councilmember Nihart stated that the 218 was part of a lawsuit settlement in which they settled.

City Attorney Kenyon stated that their position was that Prop. 218 did not apply to Council's action at this meeting which was to provide administrative review over Recology's rate setting process but, in order to resolve litigation, they were complying with the noticing requirements of Prop 218, which was to provide the notice and conduct a protest hearing for resolving and complying with the settlement agreement.

Councilmember Nihart asked if she was correct that part of the settlement was to cap the fees.

City Attorney Kenyon stated that it was the franchise fees which were imposed on the franchisee for the privilege of engaging in the exclusive waste hauling service in Pacifica.

Councilmember Nihart stated that, if they go to Palmetto and the street, they will see large grooves that are already worn in a street that was repaved not too long ago. She stated that, when thinking about wear and tear, potholes, etc., the franchise fees weren't free but actually paid for some of the things that we would have to pay for. She commiserated with the one-person household comments but was concerned about other comments. She stated that they didn't do an RFP because Recology purchased a company on the verge of bankruptcy. That company owed the City large amounts of money and caused the City to have contingency plans to pick up garbage. The City Council was making sure that they have good service and meet the needs of the community and provide a reduction in waste and landfill and green house gases per requirements from the state by moving to a company with all the services Recology had. She acknowledged that, when the contract comes up for negotiation, they can ask about some of the other services or reduction in services, but at this point in time, they have met the requirements. She pointed out that, with a decrease in numbers of people using services, Recology stands to not cover their costs by about \$100,000. She stated that she read a lot of stuff on line and in emails, and then referred to various services in comparison with other cities. She concluded that it was comparing apples and oranges and she didn't feel it was fair in terms of understanding if we were getting the best possible rate for the service provided. She was very comfortable with the modest rate increase. She would like to understand the condominiums and duplexes and how they can be more like residential housing which made sense, but she also understood that there was a wide variation in rates for commercial people and she suggested working with the staff at Recology. She then referred to the contract and where they were, and asked the City Attorney what would happen if they denied this increase with no good reason.

City Attorney Kenyon stated that they would have to have findings to support the Council's determination that they have not met their administrative requirements in the agreement. She suggested that they continue the hearing.

Councilmember Jaquith asked clarification about the public notice. She stated that they had a copy of the postcard that went out to all residents in their packet, and in addition, there was a notice of public hearing. She asked if that was in the newspapers.

Admin. Ser. Dir. Ritzma stated that they came to the Council on September 24 to let them know the report was complete and they would be sending notices out to every customer and they sent the information to the newspaper to allow everyone 45 days to read both the report and for every customer to get a notice of the public hearing.

Councilmember Jaquith thought that was the case, adding that the card went out and they also had a notice of public hearing which had all the current rates and proposed rate.

Admin. Ser. Dir. Ritzma responded that she was correct.

Councilmember Jaquith stated, based on the City Attorney and the staff report, which she felt was easy to understand, that they were in a position to consider this and approve it. She referred to Councilmember Nihart's comment on the residential situation at Mariner's Point and

other large residential units, stating that she didn't think they could address that in the context of this agenda time but thought it was an important point for Recology and city staff to discuss and look at some way of adjusting that.

Councilmember Digre stated that it helped to get a broad perspective. She thought it was a good thing that Coastside Scavengers was around a long time and there was legend around it and it becomes an emotional attachment and anything new seemed different. She appreciated that Chris Porter mentioned that she was involved in both companies and could clarify some of the information. She stated that, sometimes it looks like Council knew something and didn't want to tell people, but sometimes they can't. She stated that sometimes they knew something, referring to Councilmember Nihart talking about contingency plans, and they felt as though Councilmembers would be picking up their garbage in an attempt to be sanitary. She stated that, to the credit of Coastside and Council, when financial times happened, Coastside did allow Recology to buy them out which saved the day in many ways. She stated that was why they structured it without going to an RFP. She felt the respect given to Coastside was good, but they hit hard times and the City would have been in a difficult predicament. They chose to sell to Recology and they did their best. She thought they scrutinized every detail each time. She asked why any of them would want to be part of a shady deal. She felt they searched as much as possible and they have a good thing going and appreciated those businesses who came forward to speak credibly because of their situation appearing as if they are keeping a dark secret. She felt they were an honest bunch of Councilmembers. She appreciated the public coming and expressing themselves which she felt was important. She recommended, when they have noticing for reviews, that they present that part of the history now.

Mayor pro Tem Stone stated that he agreed with a lot of what they mentioned. He stated that he wasn't a part of the contract negotiation itself, but if costs go up and Recology proves that the costs go up, the rate should go up. He felt that was a simplistic statement, but he felt with various costs going up such as gas, etc., it was a modest rate increase. He suggested that, when they look at the rate the next year, they look at the report and what was going up and whether it was consistent with the contract which was what he was looking for. He felt that, regardless of their feelings about the costs going up, they have to abide by the contract or they are setting themselves up for legal implications. He was happy with Recology's services and the fact that they were more broad than with Coastside. He added that he didn't know that the homeowners' associations were deemed commercial and didn't have composting availability and thought it was good to know that information. He would be interested in hearing why.

Councilmember Jaquith thanked the consulting firm for doing what she felt was a very thorough job of analysis. She stated that the initial request made by Recology was for a 1.42% increase and the consultant's review indicated that it should be 1.89%. She felt that was an important point to recognize. She also thanked staff for their work.

Councilmember Jaquith moved that the City Council adopt a resolution of the City of Pacifica confirming the 1.89% rate adjustment per Recology of the Coast rate application for the period of January 1, 2013 to December 31, 2013; seconded by Councilmember Nihart.

Councilmember Nihart thanked the consultant, adding that they have done a lot of good work for the City over the years and they found the reports incredibly understandable, clear and able to make comparisons which she appreciated.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ginny Jaquith, Councilmember
<b>SECONDER:</b>	Mary Ann Nihart, Councilmember
<b>AYES:</b>	Stone, Digre, Nihart, Jaquith
<b>EXCUSED:</b>	DeJarnatt

8. Reusable Bag Ordinance

**PROPOSED ACTION:** 1) Adopt a Resolution making findings as a Responsible Agency for Adoption of an ordinance, entitled “An Ordinance of the City Council of the City of Pacifica Adding Article 5 of Chapter 5 of Title 6 of the City of Pacifica Municipal Code regarding reusable bags be read by title only and that further reading be waived; and 2) move introduction of the ordinance.

Admin. Ser. Dir. Ritzma presented the staff report.

City Attorney Kenyon stated that they were going to make one slight change on the action requested which was to adopt an ordinance adding Article 5 of Chapter 6 rather than a resolution.

Mayor pro Tem Stone opened the Public Hearing and, seeing no one, closed the Public Hearing.

Councilmember Nihart stated that she has been wanting this since she was on Council. She recalled the people from the plastic industry had come around when they first discussed this. She stated that the requirement for an EIR made it prohibitive for cities but she now thanked the County because this made sense considering what gets into the ocean. She also thanked the Health Department for the enforcement issues. She was grateful and thrilled and would consider it an honor to make the motion when ready.

Councilmember Digre agreed that it has been a long time coming with a lot of hard work, and she thanked the County. She also thanked local businesses who assured her that they knew it was coming and she shouldn't worry about it. She also thanked those who help keeping the city clean, adding that this was a reprieve for them.

Councilmember Nihart underscored what Councilmember Digre said, adding that she has also had business owners ask about whether it passed.

Councilmember Nihart moved to adopt an ordinance making findings as a responsible agency for adoption of the ordinance of the City Council of the City of Pacifica adding Article 5 of Chapter 5, Title 6, to the City of Pacifica's Municipal Code regarding reusable bags to be read by title only and that further reading be waived, and induction of the ordinance; seconded by Councilmember Digre.

Mayor pro Tem Stone stated that he was supportive of this as it was the right thing to do and made sense, especially with our City being on the coast. We spend so much energy cleaning the beaches of bags needlessly going through our water system and coming out at various outputs then going out into the ocean so this will be one less thing going out. He appreciated the County's work in making this successful since, as mentioned by Councilmember Nihart, we would not be able to do it on our own because it would be cost prohibitive.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Ann Nihart, Councilmember
<b>SECONDER:</b>	Sue Digre, Councilmember
<b>AYES:</b>	Stone, Digre, Nihart, Jaquith
<b>EXCUSED:</b>	DeJarnatt

**COUNCIL COMMUNICATIONS**

Councilmember Nihart thanked people who sent her emails, stating that she missed the last meeting because of having that illness which starts with a sore throat and leads to sinus infections. She stated that she attended the Council of Cities meeting and they had a great presentation. She referred to the Project Manager’s presentation on Devil’s Slide, stating it was an outstanding presentation regarding what has happened, etc. She thanked the Moonraker for giving them a very nice price for their meeting, Mozzetti’s for giving a little bit of Pacifica to those attending, the Chamber for putting it together and also thanked the County and Mr. Rhodes. She stated that they were trying to put together infrastructure to make tourism worth promoting in Pacifica. She stated that the County has a map from Sharp Park to Quarry Park in El Granada that they will market, and Pacifica’s run for a piece of that will be a free shuttle. She was excited about it, mentioning some of the specifics. She encouraged everyone to join them for the tree lighting on Friday. She mentioned that Daly City Youth Health was providing a sex ed squad at Terra Nova because of contributions from Pacifica and she felt it was necessary health education for youth and stated that there was a fundraiser in Pacifica on Saturday. She thanked the many supporters in Pacifica.

Councilmember Digre stated that the poets had their annual Pacifica birthday event. She felt it was very impressive and she recommended that everyone check it in November. She encouraged people to enjoy all the holiday events which helps our economy. She mentioned the importance of those hearing the airport noises to keep track of that. She thought they may have to set up a community watchdog because it appears the noise was happening in three parts of the City. She referred to the Devil’s Slide ride shuttle which starts Saturday and stated that we needed to plan activities with friends because of the opportunity, especially for seniors, to get around for lunch and shopping. She didn’t think it would happen unless those who like public transportation get out and take a free ride and go to the commercial areas of Pacifica to frequent the stores.

Councilmember Jaquith acknowledged Councilmember Nihart’s contribution to the Council of Cities meeting which she coordinated, adding that it was an outstanding program. She also acknowledged Recology’s gift to the Councilmembers. She mentioned that she attended the meeting of the Pedro Point Community Association regarding land use issues with vacant property on Pedro Point along with a General Plan review and process. She stated that George White, the redevelopment director, did an outstanding job of working with the community and will be making a recommendation to the Council. She stated that there was one last meeting of the Beautification Task Force before they wrap up their activities in December but, in advance, they will be making a presentation on Wednesday to PB&R Commission about their plans. She assumed they will be coming back with a resolution related to the Task Force.

Mayor pro Tem Stone acknowledged Councilmember Nihart for her help with the work on the shuttle to ensure getting the grant. He was looking forward to the first ride. He also thanked everyone who participated in the Council of Cities production which he felt was a great opportunity to share with other Councilmembers throughout the county. He also thanked City staff, such as the City Manager and City Clerk. He mentioned that the Pacifica Tiger Sharks Jr.

Pee-Wee cheering squad has advanced to National Championships in Florida on December 3 at Disney World, adding that they were doing fundraising to cover the costs.

### **ORAL COMMUNICATIONS**

**Therese Dyer, 1408 Crespi Drive**, stated that she was doing some comparisons in her Grand Jury code book regarding various employees in the City, adding that he was second in line regarding the City Manager's job. She thought that, every time she brings up anything, the City runs more like a charter city than a general city. She felt they needed to do their homework and look at the job descriptions and codes to be sure they were abiding by the same rules. She noticed that we were spending a lot of money on consultants and she asked why they can't make a decision on their own such as outsourcing the police department. She felt that was a waste of her money and she objected to it. She stated that they needed to do their job or do research, as well as to spend time on each job location to see what people are doing. She felt, if they didn't have the time, they should be replaced. She added that we have codes that are not enforced here, besides weed abatement and noise abatement. She referred to an instance where seven dogs were loose near Mike Mooney's and, if there was a police office patrolling that every morning, they could make the City some money by fining them, adding that she reported them to the police. She didn't know if there was a police report but it wasn't in the local paper under Police Beat.

**Roger Medler, Pacifica**, stated that Ms. Dyer said what he was going to say. He then asked if he could get an answer on the fire lane behind Verizon, Seaview Tire and Brake and Fish & Chips. He asked before and never got an answer and now was asking again for an answer. He mentioned talking to the lady at Fish & Chips who said she would like to see the parking in the back, stating that all the people from Walgreen's and Verizon park there and she would like to see some signs posted back there. He asked how Seaview Tire and Brake got lifts for business but not an expanded business permit. He asked who he should talk to about noise, mentioning that he went to the police and was told that Seaview Tire and Brake was affiliated with a business but assumed the business doesn't have original permits since no one will show him proof. He was fighting to improve his neighborhood.

**Tod Schlesinger, Linda Mar**, stated "blah, blah, blah, etc." and explained that it meant the City Code of Conducts states that the Council gets three minutes in Oral Communications just like he does, adding that they should save the self-serving, self-promoting, self-interest type rhetoric for when they were running for office. He didn't care about all those individual events which he felt they were promoting to get votes. He also commented that they got rid of Pete DeJarnatt because of term limits, and they would get rid of the others in eight years. He mentioned a statement made in the paper by Mr. DeJarnatt, and then stated that, if Pete DeJarnatt gets on the Mosquito Abatement by appointing himself, it would be a conflict. He stated that, if he gets on and gets \$100 then gives it to John Curtis, all hell would break loose. He commented that, just because some got reelected, it didn't mean he was going away.

**Bill Meyerhoff, Pacifica**, stated that he didn't want to enter into an exchange concerning Mr. Medler, but he listened to him make comments about him and his business over the last 5-8 weeks, and he could not stand by and not comment. He stated that he was talking about him and he didn't understand what he was talking about. He referred to Mr. Medler's comments that he was not in compliance because he didn't have his licenses and permits, etc., and he stated that they have all their licenses and permits from the state, county and the city. He stated that, if the City needs anything additional, he was happy to oblige. He referred to the comments about parking behind his property, and it was private property owned by numerous landowners.

He suggested that, if Mr. Medler was so unhappy living next to commercial property, he should move. He thought all the other businesses were in compliance as well. He hated seeing him waste valuable time complaining about something that was not needed. He also commented that Mr. Medler was under a court order not to come on to his property and he witnessed him on his property on a previous day, and he was making a public statement to that effect.

**Chris Porter, Pacifica**, referred to the gentleman talking at Council meeting about Seaview Tire & Brake not having permits, and stated that the owner of Seaview Tire & Brake and his family were her friends. She asked him about his permits and he showed her everything. She stated that the gentleman lived in the house as a renter for quite a while before he purchased his property. After purchasing the property, he built an additional unit on the property. She stated that the Meyerhoffs were there for 53 years and this gentleman was well aware of what was going on when he chose to move to that location. She kind of feels this is harassment. She stated that she has been at the Council meeting the last 4 or 5 times and he has been there. She reiterated that Mr. Meyerhoff has the permits that he needs, and added that there never was a fire lane behind the property. She called the fire department to do research on that because it was private property, as well as the other two small shops. She was aware that Mr. Meyerhoff put up the fence and has an entrance in the fence to accommodate the neighbors to come through to go to the post office, etc., adding that he did not have to do that because it was his property but he chose to do that. She feels that the Meyerhoffs were doing everything to work with the neighbors but they were running a business that has been in operation for almost 53 years.

**Anita Rees, Pacifica Resource Center**, informed Council that they had another successful Thanksgiving program, helping 448 Pacifica residents from 168 families. They started off planning on helping 125 families but thanks to significant support from individuals and businesses, they were able to get additional funding, gift cards and food to help more families. She stated that they were wrapping up their "adopt a family" signups and have 94 families with over 200 children signed up. With 24 more appointments scheduled, they were looking for more adopters. They can call and let them know how many children they would like to adopt. She stated that it was a lot of fun and they also make a huge difference in the holidays for families struggling to make ends meet. She also stated that they were still recruiting for volunteers for the county's one-day homeless count on January 24 and the 2013 tax season. She stated that there was training for both opportunities, adding that they can check out the website, [pacresourcecenter.org](http://pacresourcecenter.org), or call her at her office.

**Mary Brown, Pacifica**, stated that she has been going to Seaview Tire & Brake since she moved to Pacifica more than 25 years ago. She has never known a finer business or a more honest businessman. She mentioned that she had a problem with construction in her neighborhood with her tires becoming flattened and they helped her out. She felt they went above and beyond what they should have. She didn't understand why people move into a neighborhood and then want it to change around them. She felt they should accept what they have is the way it has been. She thought it was bizarre. She mentioned David Carmody, a former City Manager, who used to talk about his Iowa uncle rule, and they would not believe what they hear. She stated that she was from Wisconsin and she could not believe that people would complain about something that has been there before they got there. She wanted to speak in support of Meyerhoff and Seaview Tire and affirm that it was a stellar business. She appreciated having them in town.

**CONSIDERATION**

None.

**ADJOURN**

Mayor pro Tem Stone adjourned the meeting at 8:50 p.m.

**Transcribed by Barbara Medina, Public Meeting Stenographer.**

**Respectfully submitted,**

**Kathy O'Connell, City Clerk**

**Approved: 12/10/12; 4-0; Councilmember Digre absent**

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**Peter DeJarnatt, Mayor**