



**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

**December 10, 2012 (MONDAY)
www.cityofpacifica.org**

Mayor Pete DeJarnatt called the meeting to order on December 10, 2012 at 7:05 PM

6:15 PM CLOSED SESSION

1. 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; Department Directors.

7:00 PM OPEN SESSION

Call to Order

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

Staff Present: Steve Rhodes, City Manager; Michele Kenyon, City Attorney; Jim Tasa, Police Chief; Fernando Realyvasquez, Police Captain; Van Ocampo, City Engineer; Kathy O'Connell, City Clerk.

Salute to the Flag led by Councilmember Jaquith

Closed Session Report

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

CONSENT CALENDAR

Councilmember Nihart stated that they had some "yellow spots" and she asked the City Clerk if they got them answered.

City Clerk O'Connell stated that they had and they would be corrected. She asked if there were any other changes.

Minutes Acceptance: Minutes of Dec 10, 2012 10:00 PM (Consent Calendar)

Councilmember Nihart stated that she didn't, clarifying that it was just names that were missing.

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

1. Approval of Disbursements.
PROPOSED ACTION: Approve
2. City Council - Regular Meeting - Nov 13, 2012 7:00 PM
3. City Council - Regular Meeting - Nov 26, 2012 7:00 PM
4. Proclamation Confirming Existence of Local Emergency
PROPOSED ACTION: Move to continue the proclamation confirming the existence of a local emergency dated April 12, 2010.
5. Review of Development Fee Accounting Information
PROPOSED ACTION: Review the City of Pacifica Annual Report of Development Fees and Expenditures for the year ended June 30, 2012 (Attachment 1) and direct the City Clerk to retain this report in the official records of the City.
6. Approval of Purchase Contract with the Ford Store for a New Ford F550 Utility Truck in the Amount of \$72,036.80. Additional Budget Authority is Required in the Amount of \$10,000 from Fund 18 Account No. 18.940742.55109.0000.000 to Pay for Necessary Upgrades to the Vehicle
PROPOSED ACTION: Approve purchase contract with The Ford Store for the purchase of a new Ford F550 utility truck in the amount of \$72,036.80; authorize the City Manager to sign the purchase contract; and approve additional budget authority in the amount of \$10,000 from Fund 18 Account No. 18.940742.55109.0000.000 to Fund 72 Account No. 72.920670.55110.0000.000.
7. Approval of Purchase Contract with the Ford Store for the Purchase of a New F450 4X4 Winch Truck in the Amount of \$53,646.21. No Additional Budget Authority is Required, as Enough Money Has Been Previously Budgeted in the Vehicle Replacement Fund 72, Account No. 72.920760.55110.0000.000.
PROPOSED ACTION: Approve purchase contract with The Ford Store for the purchase of a F450 4X4 truck in the amount of \$53,646.21; and authorize the City Manager to sign the purchase contract; No additional budget authority is required as enough funds for this purchase have been previously budgeted in the Vehicle Replacement Fund 72, Account No. 72.920760.55110.0000.000 as part of this Fiscal Year's Budget.
8. Approval of Purchase Contract with the Ford Store for a New Ford Fusion in the Amount of \$21,113.17. No Additional Budget Authority is Required as Enough Money Has Been Previously Budgeted in the Vehicle Replacement Fund 72, Account No. 72.920670.55110.0000.000.

PROPOSED ACTION: Approve purchase of the Ford Fusion in the amount of \$21,113.17; and authorize the City Manager to sign the purchase contract. Funds for this purchase have been previously budgeted in Account No. 72.920760.55110.0000.000 as part of this Fiscal Year's budget. No additional budget authority is necessary at this time.

9. Authorize the Senior Services Programs Supervisor to Submit RFPs to San Mateo County Area Agency on Aging for Fiscal Periods 2013-2015

PROPOSED ACTION:

Authorize the City Manager to sign and submit the RFPs prepared by the Senior Services Supervisor to the San Mateo County Area Agency on Aging for fiscal periods 2013-2015 for Congregate Nutrition Program, Transportation Program, and Meals on Wheels Program and Supplemental Meals on Wheels Program.

10. Adoption of Resolution of the City Council of the City of Pacifica Authorizing Staff to Apply for One Bay Area Grant (OBAG) Funds from the City/County Association Governments (C/CAG) of San Mateo County Under the Metropolitan Transportation Commission (MTC) for the Palmetto Avenue Streetscape Improvements.

PROPOSED ACTION: Adopt the resolution next in order A Resolution of the City Council of the City of Pacifica Authorizing Staff to Apply for One Bay Area Grant (OBAG) Funds from the City/County Association Governments (C/CAG) of San Mateo County Under the Metropolitan Transportation Commission (MTC) for the Palmetto Avenue Streetscape Improvements and authorize the City Manager to execute any document/s required for the grant application.

11. A Resolution of the City Council of the City of Pacifica Approving and Authorizing the City Manager to Execute a Grant of Public Telecommunications Utility Easement Conveying an Easement to the City of Pacifica for Public Use and Authorizing the City Manager to Accept the Easement on Behalf of the City for Public Use.

PROPOSED ACTION: Adopt the attached Resolution Of The City Council Of The City Of Pacifica Approving And Authorizing The City Manager To Execute A Grant Of Public Telecommunications Utility Easement Conveying An Easement To The City Of Pacifica For Public Use And Authorizing The City Manager To Accept The Easement On Behalf Of The City For Public Use.

12. Resolution Creating the Beautification Advisory Committee

PROPOSED ACTION: Adopt the resolution creating the Beautification Advisory Committee (BAC). Fiscal impact is expected to be limited other than required staff support.

13. Adoption of an Ordinance of the City Council of the City of Pacifica Adding Article 5 of Chapter 6 of Title 6 of the City of Pacifica Municipal Code Regarding Reusable Bags - Second Reading

PROPOSED ACTION: Move to adopt the ordinance entitled "An Ordinance of the City Council of the City of Pacifica Adding Article 5 of Chapter 6 of the City of Pacifica Municipal Code Regarding Reusable Bags"

14. Adoption of Resolution Declaring Results of the General Municipal Election of November 6, 2012 (Additional Information and Material to Follow)

PROPOSED ACTION: Move to adopt the resolution next in order entitled "A Resolution of the City Council of the City of Pacifica Declaring the Results of the General Municipal Election Held on November 6, 2012.

SPECIAL PRESENTATIONS

Proclamation - Ocean High School 50th Anniversary

Mayor DeJarnatt stated that he was pleased to make the presentation honoring Oceana High School's 50th anniversary. He stated that they had a representative from Oceana and asked her come forward and give her name.

Caro Pemberton, Principal of Oceana High School introduced herself.

Mayor DeJarnatt then read the proclamation.

Ms. Pemberton stated that she didn't have anything to add to that, except to express deep appreciation on behalf of the school to be honored by the city.

Mayor DeJarnatt stated that Oceana was a jewel in the Pacifica community, adding that he has been very impressed with the senior exhibitions, as well as the requirement for community service. He wished that was in place when he was in high school. He extended congratulations, adding to keep up the good work.

Ms. Pemberton also thanked everyone who served as senior exhibition evaluators.

Mayor DeJarnatt thought they all had.

Councilmember Nihart wanted to make sure they knew that they recognized Oceana for all their accomplishments. She stated that the senior exhibitions was her favorite largely because they were so incredible. She expressed amazement that the students worked all year on the project in an in depth way. She stated that it warmed her heart the way they prepare the students for college and she was proud that they were part of the City.

Mayor DeJarnatt encouraged them to keep up the good work, adding that they would look forward to many more years regarding everything they do.

Councilmember Nihart stated that she thought she saw Board Member Jeanne Matysiak and they should recognize the board members who are part of this.

PUBLIC HEARINGS

COUNCIL COMMUNICATIONS

Councilmember Jaquith stated that she attended the Sand and Swallow Boutique ribbon cutting which was located in the back of the valley as part of Visions Seaside Spa. She hoped this new business would do well. She stated that she also attended the tree lighting ceremony at Rockaway Beach, adding that it was wonderful with a lot of people present. She mentioned that they had received the press release regarding the Sharp Park Golf Course which stated

that the judge had dismissed the lawsuit, indicating that the environmental impact report which San Francisco has established was appropriate, meeting all the environmental criteria. She acknowledged former Mayor Lancelle and all members of the Pacifica Sharp Park Golf Course task force who did a great job and contributed to resolving this issue. She also mentioned the Council communications subcommittee and stated that the lawsuit was done. She acknowledged former Mayor Julie Lancelle and all the members of the Pacifica Sharp Park task force who did a great job and contributed to the efforts to resolve this issue. She also mentioned that the Council communications subcommittee, including Mayor pro Tem Stone and her have met and are in the process of “putting some meat to bones” of communication plan.

Mayor pro Tem Stone echoed Councilmember Jaquith’s comments on the lawsuit and thanked all the volunteers involved. He added that it was a great victory for the supporters of the golf course and the City. He stated that the golf course was a vital piece of the City for economic development, diverse recreation in San Mateo County. He stated that he looked forward to continuing to work with San Mateo County on improving the course and make sure it is around for a long time because of all the potentials for the City and entire county. He stated that he couldn’t make the tree lighting but he heard it was fantastic. He commended the chamber and business owners. He stated that his wife was the new president of the Pacifica’s Mother’s Club and they all loved the event.

Councilmember Nihart stated that she was present at that event, adding that it was a great event, mentioning Santa, as well as Snow White, etc. She stated that people had attended from other areas such as Oakland. She congratulated PB&R and Public Works for another great tree lighting for Pacifica at the Community Center. She stated that the elf market was outstanding, and she couldn’t believe the wonderful community spirit. She thanked everyone who participated. She commented that Public Works worked very hard on the proposal and shuttle. They launched the shuttle during the elf market and stated that it was great. She stated that the South San Francisco Councilmember Matsimoto came and it was exciting to hear her say that it was great and she would have to come over more often. She stated that made her feel that everything was worth it. She reiterated that the shuttle launch was an awesome event and a high point for her weekend.

Mayor DeJarnatt stated that this was his final Council meeting, although they had the reorganization on Wednesday. He stated that he enjoyed some if it and felt they accomplished a lot. He enjoyed some if it and detested some of it also. He appreciated the voters who elected him four straight times for their trust in him, adding that he always did his best job while keeping that in mind.

Mayor pro Tem Stone thanked Mayor DeJarnatt for his 16 years of service. He realized that they would all be saying something on Wednesday but he wanted to express his appreciate and was glad he was leaving on his terms.

Mayor DeJarnatt thanked him.

ORAL COMMUNICATIONS

Tod Schlesinger, Linda Mar, stated that he wouldn’t miss this for the world. He stated that it was not surprising that there would be a screwup on the Mayor’s last meeting with the article that Jane Northrop wrote on the Mayor’s service which wasn’t supposed to come out until Wednesday. He stated that it mentioned the Mayor’s comment that only a small number of people were constantly attacking him. He mentioned his two times running for Council when he

got almost 3,000 votes when he hadn't even run a campaign, adding that he thought there were a few more than a few people who didn't agree with him. He also mentioned that Mayor DeJarnatt had commenting voting consistently on what he thought was in the best interest of the people of Pacifica. He stated that there were 40,000 living in Pacifica, and he felt the Mayor did not represent the 40,000 but the special interests. He stated that it mentioned that the Mayor was behind the plan to build the senior housing which he presumed it was the housing on Oddstad on which he was recused.

Mayor DeJarnatt commented that it was not that one.

Mr. Schlesinger then mentioned that the Mayor was pleased that the budget was balanced, based on the fact that the City used up the reserves. He felt the reserves were not there to balance the budget and he didn't get that. He stated that the Mayor tried to respond to every request he got from every individual and respected their opinions and he felt it was untrue, adding that he did not listen to him then or now. He concluded that the Mayor was the obstructionist that he claimed he was, felt he got what he deserved based on criticism and good riddance.

Mayor DeJarnatt thanked him.

Roger Medler, Pacifica, stated that he has been coming to the City on a few issues and has not gotten any response at all. He stated that the front parking lot of Seaview Tire and Brake was still full of cars in violation of a municipal code and he would like to have it enforced which he had asked at the October 9 meeting. He wondered how the lifts were installed after 24 years, and questioned why it didn't have to go before the Planning Department. He asked if there were minutes that he could see. He asked for information on the fire lane. He had a lot of issues but this was enough for this evening.

Anna Boothe, Pacifica, congratulated Councilmember Nihart, Karen Erwin and Mike O'Neill for their elections and thanked Mayor DeJarnatt for his many years for service to the Council. She felt he came when they really needed him. She stated that, as president of POPS, she was reporting on the status of their repairs and what they can do for the pier during the winter season, specifically keeping an eye on it and reporting any new damage to the Engineering Department who will take emergency steps to keep the pier strong until the start of work following the winter storm season. She also felt it was important that, while they develop the Council chamber building, they set aside a fund for repair of the pier so they don't have to rely on grants. She felt the pier was part of the project and added to the property value of the building, and everyone could help by buying T-shirts, etc.

Bernie Sifry, Pacifica, mentioned that the inauguration would be in two days and Mayor DeJarnatt will feel relieved. He stated that any person he knew who served for four terms, although didn't complete his fourth term, was Franklin Delano Roosevelt who died in the first year of his fourth term. He was glad that Mayor DeJarnatt was completing his fourth term in good health. He referred to the last Council meeting's discussion about John Curtis' old position in which he got \$100 a month as a representative on the mosquito abatement committee. He thought the City Council should be more interested not in another position for them either as a member or former member but should open that position up to the public. He felt more public involvement in government at any level could only further democracy in this country, and we need democracy in this City. He felt that volunteering on various positions such as for the school was fine, but he didn't feel he should be going for the \$100 position unless there was no one else. He suggested that they open that position to the public.

Anita Rees, Pacifica, stated that she was giving an update on the Adopt a Family program, stating that over 125 families have been adopted. She stated that they would be distributing the gifts at the Lighthouse Storage facility who donated the space over the holidays so that they can take all the gifts there. She mentioned that it would be good if anyone wanted to buy a few trees and bring them there it would be a good idea. She stated that they were planning their distribution on December 18. She also stated that the inclement weather program had been activated for this winter, mentioning that, with a combination of rain and cold, the county would cover the cost of housing the homeless for the night for health reasons, which happened once this winter, housing 8 homeless at the Pacifica Motor Inn, which included income to the Inn while housing those homeless. She stated that they were still looking for volunteers for the various services they provide, adding that there would be training offered.

Ian Butler, Pacifica, stated that he appreciated the Mayor's frank comments about the past 16 years. He acknowledged that there were a lot of good stuff but a lot of difficult parts. He thought, on his last meeting, someone might do the honorable thing and be nice, but he thought that was the way it was. He mentioned that we all have different opinions in the town and we won't agree on everything, but he felt there was a difference between constructive criticism, stating that having a different opinion did not make you a jerk but being a jerk about it does. He hoped we could have different opinions but be respectful. He felt it would be counterproductive because the Councilmembers have a tough job to do and making it harder for them made it difficult to get things done. He respected the Mayor for taking the shots all those years and sticking through it. He felt that courage was not feeling fear, but to continue going in spite of fear and hardship, and he felt he showed a lot of courage to continue running knowing that he was going to take these kinds of shots. He thought Jane Northrop had a great article in the Tribune. He was sure he would be having a relaxing, stressless time in his retirement. He wished the best for the Mayor and the new Councilmembers.

Mayor DeJarnatt questioned whether he would have a stress free retirement but it would be nice.

Lynn Adams, Pacifica, thanked the mayor for his support of the Beach Coalition, stating that it was because of him that she took a more active role in the Beach Coalition. She felt that it was our duty to speak up on behalf of the environment because he listened and they got the garbage cans on Sharp Park to change the amount of litter going to the beach and she thanked him for that. She also thanked Councilmember Jaquith for her present time on the Council, and she also thanked and congratulated Councilmember Nihart for running again. She also looked forward to working with Mayor pro Tem Stone. She then shared some of the Beach Coalition's successes, such as the new plastic bag ban. She stated that they picked up at the waterfall and they picked up 85 pounds of garbage with most of the garbage being plastic bags and Styrofoam which both weigh very little or nothing. She wished everyone could see and witness because she felt that it was life changing to pick up litter that you know just came from the streets. She then mentioned having many volunteers for other activities and gave some of the specifics from the previous year's activities. She thanked everyone for their contributions.

Mayor DeJarnatt thanked her for her contributions. He was pleased that she started taking a more active role because she got amazing things done. He was impressed by it, knowing she was good at it and enjoyed it and was positive which was a gift.

Bill Meyerhoff, Pacifica, stated that he was present to respond to Mr. Medler. He stated that week after week he listens him talk and make accusations and comments. He wasn't so

concerned with Mr. Medler, but what he was concerned about was that he was talking in a public forum and maybe his customers and friends think they are doing something wrong and don't have the permits necessary. He knows that they do and he was publicly stating that, if there were any concerns by City staff and Council that they weren't doing the right thing, they should let him know. He would like to clear the air.

CONSIDERATION

15. Direction for Creation of Fireworks Task Force

PROPOSED ACTION: Direct staff on how to proceed with the formation of a Fireworks Task Force.

City Manager Rhodes presented the staff report.

Mayor DeJarnatt opened public comments.

Ron Ragland, Lerida Way, stated that he was a member of the Order of Eastern Star, and have been involved in Pacifica for over 58 years. He stated that his was one of their main fundraisers, adding that all the money they get are given back to the City through scholarships to the high schools, etc.

Jon Sweeney, Pio Pico Way, stated that he was past president of Athletic Boosters. He stated that the Police Chief mentioned that their coverage was the same on the 4th. He stated that those buying the fireworks were paying an extra tax to pay for the police and fire department on that night, and he questioned where the money would come from for that patrol. He also felt the task force should have more people included who were selling fireworks and not the PB&R, etc.

Angel Bernal, Pacifica, stated that he was with the Pacifica 4H Scholarship group and he echoed the comments by the previous two speakers regarding supporting fireworks sales. He stated that his group participated in regular beach clean, but especially after the 4th to ensure that the beach gets cleaned up. He felt that the sales of fireworks was their biggest or one of their biggest fundraisers and it was kept them going and he strongly urged them to support the continued sales of fireworks.

Chris Fogel, Linda Mar, stated that he had contacted the Council via email, and he was also now present to express his interest in being part of the task force and being one of the two at large community members. He stated that he had all the material on previous discussions and he would come to the task force with the point of view of benefits over negatives. He mentioned that they were hearing a variety of opinions and divergent viewpoints and his work would equitably represent all the viewpoints and come to an equitable decision about what to do about fireworks going forward. He thanked them for their consideration.

Jeanne Matysiak, Pacifica, stated that she was the current president of the high school board and she was also involved with the American Legion veterans and auxiliary. She stated she was concerned that the fireworks was an ongoing problem but was also concerned that the task force does not represent everyone who needs to be at the table. She felt they need information from Public Works, Police Department, adding that she was hearing fireworks through until the World Series every night. She hoped that they would include all of them and the task force come to a consensus with something that everyone will be able to live with.

Mayor DeJarnatt commented that he had heard the fireworks during the World Series and at the end a lot.

Sue Pemberton, Pacifica, stated that this was her fourth appearance, mentioning that she stated she would continue to come before them as long as she was still finding fireworks on the beach. She stated that she was out there today and found fireworks from two weeks ago. She stated that the profile of the beach has changed with the change of season, and a lot of sand has washed over more that they might see next spring. She stated about half of what she pulls off the beach was plastic, mostly the green shells from smoke bombs which they toss and they get buried. She stated that she was at a presentation by a group called the Plastic Beach Project. They did surveys of 15 beaches all over the Bay Area, from Pt. Reyes to So. San Mateo County, and Linda Mar happened to be one of them. They had two categories, plastic by weights and plastic by pieces, and Linda Mar Beach showed up on both categories, seventh by plastic by pieces and second by plastic by weights, which she thought was shameful. They listed the top five beaches with the most plastic in the Bay Area, with Linda Mar Beach fourth. She was embarrassed that a City with the resources to prevent this was allowing this to happen with prohibited fireworks on Linda Mar Beach. She hoped the task force will convince them to enforce what was already prohibited, no fireworks on any state beach.

Lynn Adams, Pacifica, stated that she was glad they were having this conversation. She was a fan of fireworks and enjoyed it until she witnessed the debris on the beach. She stated that she was glad they were having a task force, and they had signatures for the fireworks petition to ban fireworks from Linda Mar and Rockaway Beaches. She felt we could have them places where it was easier to pick them up. She felt it was the same as plastic bags. They don't need to have them on the beach and put them where people can pick them up and enforce that they do pick them up because they can roll from the streets to the beach. She stated that was the position of the Pacifica Beach Coalition. She asked if they want the petitions now.

Mayor DeJarnatt thought it would be more effective to bring them to the fireworks commission.

Ana Garcia, Pacifica, thanked Mayor DeJarnatt for all his years of service. She thanked all the non-profits in Pacifica, adding that their valuable work in the community was appreciated. She was also pleased that the Council was willing to revisit this issue which comes up a lot. She encouraged the task force to consider banning the use of fireworks on Linda Mar Beach and all beaches. She mentioned that they were not saying ban the sales, but just ban where they are legally lit up. She reiterated that it was already illegal to shoot off fireworks at state beaches and no one should be down at Linda Mar at all. She felt that compromise allowed the non-profits to continue fundraising efforts and also allow those who enjoy safe and sane fireworks to enjoy safe celebrations while protecting our fragile environment. She mentioned that, for months and months after the 4th, they were still seeing the effects of the 4th fireworks. She reiterated that banning the use of fireworks on the beaches was a very reasonable step to address the problem.

Ian Butler, Pacifica, stated that Ana Garcia has been cleaning up Linda Mar Beach every month for many years, close to 20. He referred to Ms. Pemberton's comments about the litter on the beach, and stated that was in spite of all the cleanups they have been doing years. He felt they had a lot of problems. He thought the point of the environmental issues has been made. He was happy about forming this task force, and he thought the various suggestions of members was a balanced approach. He felt that every player with a point of view was represented. He thought the police and public works would be presenting information to the

task force, but he didn't think they needed to be members of the task force to help them go forward. He also referred to Chris Fogel, adding that he didn't think anyone has looked into the issue more thoroughly than he has and he couldn't think of a more valuable person to have on the task force. He stated that they had until the next 4th to get it in place and he couldn't see any reason why they can't get it in place by then.

Susan Hsu, Pacifica, stated that she represented Oceana High School's PTO and she helped out with fireworks every year. She didn't want to ban the fireworks but find solutions such as on the streets in front of people's homes. She would like to keep it for the non-profits and the community since every one does that on the 4th by celebrating.

Tod Schlesinger, Linda Mar, stated that he wasn't going to speak on this but then he thought the Linda Mar Beach parking lot could have generated enough money in the last 20 years to get several million dollars. He asked if that could have gone toward taking care of the beach, adding that Lynn and Ian were always complaining that the beach was dirty. He reiterated that, if they voted to get more money in Pacifica, they could pay people to keep the beach clean and they wouldn't have to go and complain all the time. He stated that they can't have it both ways. He stated that he has been harping about the Linda Mar Beach parking lot to generate money for years. He stated that they have blinders on, not being able to see that doing one thing might enhance or improve another thing, which was why they had these problems. They had made the decisions not to do certain things which was why they were hearing all of this. If they had done these things that he brought to everyone's attention, they would realize they have to do business with people they don't like. It was not a popularity contest but making the right decisions, and they obviously made the wrong ones. They could have had the cake and eaten it too, but maybe it was not too late.

Dennis Revell, Sacramento, congratulated Mayor DeJarnatt on his 16 years of service. He knew it was not an easy job, and he felt the community owed him for his service. He stated that he was present on behalf of TNT Fireworks which supplies the majority of the non-profit organizations. They fully support the task force concept. He stated that the predecessor task force was very successful, seeking input from all stakeholders, including city staff charged with enforcing and implementing any decision recommended. He urged the Council to expand the membership of the task force to include police, fire, public works and TNT Fireworks, as well as others deemed appropriate by the Council. He referred to the comments at a previous meeting when others requested that all stakeholders be included in the task force and he encouraged that. He mentioned that Councilmember Digre could attest to the success of the previous task force by the decision process they employed, which was consensus rather than a majority vote, an educational process giving everyone an opportunity to learn everyone's perspective and be educated by their facts. He encouraged the same ground rules for this one.

Bernie Sifry, Pacifica, stated that he was the only one left from the previous task force and would share his experience from that. He was on the committee originally opposed to continuing fireworks because it was out of control. But, he heard from his neighbors and members on the committee that this was an important source for youth teams and organizations to carry on. He stated that the issue was how they control it. He stated that they didn't look ahead at what would happen down the road. They wanted to be updated on things every year, but the council recommended that they be disbanded after the first year. They did increase the fines and they were discouraging to a degree. He stated that he sat in on some of the appeals of people who were fined \$1000 or more by the City and had to pay a \$250 fine to the county. He felt the money was important but they failed to see that they should have had a 5-8 year plan so the organizations could be moved away from being milked and supplied by money from

fireworks but could get their money from other sources. He stated that it was also an issue of enforcement. They raised the fees, but a lot of money was going for clean up and extra police services, fire, etc. He stated that this past year, there was not enforcement because they went to backyards. He felt they had to move in the direction of milking them away from this source of money because it was more damaging to the morale and welfare of the City.

Claudia Reinhart, Pacifica, stated that she has been living in Pacific for 12 years and loved it. She has been volunteering with the Pacifica Beach Coalition for over a year, picking up a lot of litter, such as cigarette butts. She used to not pick up the butts because they were gross but she realized recently that all sewers go into the ocean, creek or bay. She stated that many people do not know that, stating that she just learned it last month. She thought an educational campaign was extremely important. She has never bought fireworks and she doesn't know the process, but she thought a sign at the booth or the sellers saying that everything they leave behind was going to end up in the ocean, and maybe they will actually want to do something about it. She hoped most of it was ignorance. She stated that historically the first campaign for picking up litter was when she was 12 years old in the 60s. She used to buy something like cupcakes, eat them and throw the garbage on the ground because some guy would come by and swept up every single day. She was shocked today that people still litter so much. She was hoping that they also educate people about why it was important, adding that fireworks don't litter the earth, people do it and need to be educated not to do it.

Joe Mizrahi, Beach Blvd., congratulated Mayor DeJarnatt for his years of service. He stated that he used to man the cameras years ago and saw him when he came aboard. He has seen him in action and he was a good member of the city. He stated that he has heard a lot of discussion on fireworks and the trash it causes and the money it raises. He stated that he has not heard of any of the purpose or reason for being an American and that we celebrate the birth of our country with fireworks. He felt it was important to continue the celebration of the 4th of July as history has given us, and we don't terminate it because of financial reasons or litter. He felt we are entering a new age of cooperation and he thinks this is an age when they can communicate and, as mentioned by Ms. Reinhart, we should educate. He thought the task force could look at methods of education for those who use the fireworks to clean up after themselves. He felt we should make this a sustainable country rather than rules imposed on us and take responsibility for ourselves and educate our community to clean up after ourselves. He felt this was how the task force should spend their money.

Mayor DeJarnatt closed public comments.

Mayor pro Tem Stone asked the City Manager, regarding them having access to staff members, if they organized the task force as proposed by staff, would there be access to staff members by the committee if they wanted to ask the police questions.

City Manager Rhodes stated that he would ask Police Chief to lead the task force from staff level. He stated that all departments have volunteered to have people present at the meetings to serve as resource as they do in other meetings of that nature. He reiterated that they will have that resource available to them at all of their meetings.

Councilmember Jaquith thought it was important to respond to the speakers that they were not present to decide on the sale of fireworks but create a task force to look at a number of issues related to the sale of fireworks in Pacifica including education, which she thought was on the list in terms of talking about putting a proactive campaign together. She thought the objectives they established and options asking the task force to look at covering all the options and this was a

good way to involve all the players in the process. She thought the objectives they have established and options which they have asked the task force to look at covered all the bases. She thought this was a good way to involve all the players in the process so that everyone can look at serious ways of addressing what has become an environmental issue which needs to be addressed. She was comfortable with the makeup of the 9-member task force. She thought the City Manager responded to a question she had about people serving as resources to the committee which she thought was the appropriate way to address this issue. She looked forward to all of the work.

Councilmember Nihart stated that, if this was a simple issue of banning fireworks on the beach, they would have voted on it the last time. She heard that before and now, and she gets it. However, she felt it called into question the issue of fireworks. She stated that they had two advisory measures, and in both this has gone down as continued sales. She hoped that they do this through the task force. She felt good about resources available to the task force, the makeup. She would like to underscore that this was a task force that would return to the Council with recommendations and she fully endorsed the consensus approach within the task force. She felt the issues would be a problem, and she needed to have more information about what was proposed on each of the items for discussion. She hoped the task force was creative in doing that. She stated that they got a note from the president and CEO of Revell Communications and they heard Dennis Revell speak. She stated that, to be part of a City task force in this kind of organization, she didn't think that was appropriate. She assumed he would want to be there to provide information and to continue to educate. She thought they had a pretty good setup.

Mayor pro Tem Stone agreed with a lot of what Councilmembers Nihart and Jaquith have said. He was happy with the makeup of the committee. He thanked staff for looking up the votes. He stated that, even though the last one was in 1996, it was helpful. He agreed that it didn't bind them because it was an advisory note, but he still held that in high regard that a majority voted to keep safe and sane fireworks. He respected that vote a lot. He was concerned about the task force and the scope of the work. He felt that, if the task force said to ban all fireworks completely, he would have to see a lot of community support for that after seeing such a vote in support of fireworks. He recommended that the Council limit the scope and do not include banning fireworks as one of the options for the task force. He would not feel comfortable if they came back with that recommendation, and he hate to send them off on a task he knew he would not be able to support. He would like to hear other Councilmembers recommendations. In response to Mr. Revell's comments, he did say that all stakeholders should be included, but he had seen that as community stakeholders. He recognize that Mr. Revell's company has an interest in this and the community members need to be represented.

Councilmember Jaquith stated that she had a question about the time frame, such as before the next 4th, or a year from now.

City Manager Rhodes stated that the goal and expectation was that it would be in place before the next July 4 if at all possible.

Councilmember Jaquith thought, if there was some consensus among the task force members that could not be implemented by July 4, it would not negate that. She thought it might require additional work and could not go into affect this 4th but the following.

City Manager Rhodes responded that she was correct. He stated that it would be based on what comes out of their effort, first if they have time to get to a consensus and what it was and what it takes to implement it.

Councilmember Jaquith assumed that there was some consensus among the Council to ask the task force to do everything they can to finish their work and bring it back to the Council for deliberations before July 4. In response to the issues raised by Mayor pro Tem Stone about eliminating the ban, she felt that was one of the options the task force ought to consider as they discuss all other issues. It may be one that they reach consensus on quickly, but she felt it needed to stay in the list of options.

Mayor DeJarnatt stated that he was happy with the makeup suggested for the task force. He was happy with items 2 through 5 and, while he will not be on the Council, he would not support a ban either because of the 1996 vote. He didn't have a problem discussing everything. He asked Councilmember Nihart on her thoughts on item #1, whether it was okay to discuss an outright ban.

Councilmember Nihart was fine with them discussing that. Her only concern was that they approach this by making sure they have a consensus from the task force when it comes forward because she did not want to have a task force of 9 and they have a 5-4 vote. She stated that they have a lot to consider since they cannot go out to vote again.

Mayor DeJarnatt asked if they have enough consensus or did they need a motion.

City Manager Rhodes thought they have it and they will come back with a resolution and they will begin a process to solicit community member applications and move forward.

16. Award of Contract for Economic Development Plan and Providing Budget Authority in the Amount of \$34,900.

PROPOSED ACTION: Authorize the City Manager to execute a contract with Wahlstrom & Associates/Susan Barnes in an amount not to exceed \$34,900 for development of an Economic Development Plan and provide budget authorization for funds to cover the cost of the contract in General Fund Nondepartmental.

City Manager Rhodes presented the staff report.

Councilmember Nihart wanted to hear more about the selection process. She trusted the people selected but she wanted to hear what was different about this group.

City Manager Rhodes stated that they seemed the most receptive to exploring their potential for what they can do in Pacifica and not just coming forward with "this is how it's done and therefore you do it." He added that Susan Barnes has had excellent experience in Redwood City, starting on a 6-month contract and ended up staying 2 years helping them do their economic program, helping them do some of the things they would like to do such as looking at how to staff the function, and how to get other departments to buy into it and those were things they were impressed with. He stated that Mayor pro Tem Stone might have something to add.

Mayor pro Tem Stone stated that they were most impressive in their paper proposal and were also the most impressive in person. He stated that, in looking at a comprehensive economic plan for the entire City, they saw things from consultants that were specific to one district or an

analysis on very specific things, and not comprehensive plans. They wanted to get someone with local experience, mentioning Susan Barnes experience in Redwood City, as well as Palo Alto. What they did in Redwood City was what Pacifica was looking to do, and they were good at reaching out in the community.

Councilmember Jaquith stated that it was her question, and she thanked them for their comments.

City Manager Rhodes stated that they were all in agreement on the selection, and what they saw on paper, they saw in person as well and it was good.

Mayor DeJarnatt opened public comments.

Tod Schlesinger, Linda Mar, stated that it was cool how everyone cuts out after they get their special interest but, when talking about the economic vitality of all of Pacifica, they all take a hike. He concluded that all they care about their own narrow minded issue. He then spoke to Karen Ervin, Councilmembers Nihart and Stone, adding that Mayor DeJarnatt and Councilmember Jaquith were toast. He stated that this was not a game anymore, and he asked that they don't do the same thing that has failed in Pacifica over and over again. He asked that they not take public input, adding that they were the public input when they got almost 9,000 votes for Councilmember Nihart and 6,000 for Karen Ervin. He felt that was the public input. He stated that the Urban Land Institute in 1998 and told the City what to do and it was ignored. Now, he felt they were going to spend another \$35,000 on endless strategic plans. He stated that they knew what needs to be done, mentioning that he was a committee of one saying what needs to be done for years and it was happening now. He felt he was the reason the General Plan was getting re-written and the reason Highway 1 was getting done. He was pushing this for years, and he asked that they pull the trigger and do this thing. If we don't, he felt it was not on him. He stated that they were elected to make the right decisions. He stated that, if they spend \$35,000, they better make \$100,000, and if not, they needed to get out of town. He stated that money is the only thing they have been talking about all night, and anyone who thinks otherwise, he has some beachfront property in Arizona to sell.

Mayor pro tem Stone was extremely excited about this. He thanked Council because this came from the gold study session when Council identified economic development as a top priority. He wasn't sure it was the official top priority but it was included among top priorities. He stated that economic development and sustainable model for the City was going to be an extremely long process. It won't happen over night with a lot of things getting done right away, but they have to get on the right track, have a great plan and execute that plan. He stated that any dollars they spend on consultants have to pay off for us. He felt the Council was committed to that, and he was committed to that. He was glad it was a one-time expenditures and he felt this was a great use of the funds. He felt it would move them forward.

Mayor pro Tem Stone moved to authorize the City Manager to execute a contract with Wahlstrom and Associates, Susan Barnes, in the amount not to exceed \$34,900 for development of an Economic Development plan and provide budget authorization for funds to cover the cost of the contract in the general fund nondepartmental; seconded by Councilmember Nihart.

Councilmember Nihart thanked everyone who participated in this. She was hoping to see us move forward in a way that really makes sense. She thanked everyone for taking the lead on this.

Mayor DeJarnatt said that there was no question that economic development as a whole was not what they need but very specific economic development and projects that produce a great deal of bang for the buck, lots of money with not much impact. He stated that was not easy to do but he suspected that this was a good idea and they will come out well.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Len Stone, Mayor pro Tem
SECONDER:	Mary Ann Nihart, Councilmember
AYES:	DeJarnatt, Stone, Nihart, Jaquith
EXCUSED:	Digre

17. Appointments to be Considered by the City Selection Committee and by the San Mateo County Council of Cities
PROPOSED ACTION: Staff recommends that council give direction to the Mayor, as the voting member on the City Selection Committee or the councilmember holding the Mayor's proxy regarding the appointments at the December 14, 2012 City Selection Committee meeting and San Mateo County Council of Cities

City Clerk O'Connell presented the staff report.

There were no public comments.

Councilmember Jaquith stated that other than the proposal from Councilmember Nihart related to the chair or vice chair positions of the City's selection committee's Council of Cities, which she supports, given that she was an interim Councilmember and did not know any of the individuals, she had nothing to contribute as it relates to other candidates and she will abstain from those except for her recommendation that they support Councilmember Nihart.

Councilmember Nihart appreciated that, and stated that she knew that Marina Frasier from Half Moon Bay wanted to be chair, and she was helping to fill a gap that existed. She suggested that they endorse her for Chair, and she would be happy to serve as Vice Chair.

Mayor pro Tem Stone appreciated that she clarified that she would be interested in Vice Chair, not the Chair position. He would love to see her do that and thought she would do a fantastic job. He stated that, after that, there were only a couple of positions that were contended. He saw those as the MTC seat and the transportation authority seat.

City Clerk O'Connell agreed.

Mayor pro Tem Stone stated that, for the TA seat, he supported Rosanne Falstrom of Redwood City. He felt she has done a fantastic job and he would support her.

Mayor DeJarnatt was happy for suggestions so far. He didn't think they needed an actual motion. He stated that the next mayor would vote. He asked if they wanted to designate the others.

Mayor pro Tem Stone thought that was a very important seat. He asked if there was a preference.

Councilmember Nihart stated that Roseann Falstrom would be great with her, but for the MTC, she would like to support their neighbor in Half Moon Bay as a representation of the coast on the MTC. She stated that as one of the single biggest committee and a city without a PDA would be useful.

Mayor pro Tem Stone appreciated that. He worked with a number of the people. He felt this was a very contentious seat. He stated that there was only one representative from all of San Mateo County from the city level. Adrienne Tissier, represents from the County level but it was a contentious race. He thought Chris Lence from Brisbane was wonderful as well, but he couldn't argue with Half Moon Bay also.

Mayor DeJarnatt agreed.

ADJOURN

Mayor DeJarnatt adjourned the Council meeting.