



CITY OF PACIFICA
CITY COUNCIL MINUTES

Council Chambers
2212 Beach Blvd
Pacifica, CA 94044

Mayor Len Stone
Mayor pro Tem Mary Ann Nihart
Councilmember Sue Digre
Councilmember Karen Ervin
Councilmember Mike O'Neill

October 14, 2013 (MONDAY)
www.cityofpacifica.org

Mayor Len Stone called the meeting to order on October 14, 2013 at 7:00 PM

6:00 PM CLOSED SESSION

Mayor Stone called the meeting to order at 6:00 p.m., stating that all councilmembers were present and announced that the Council would meet in Closed Session. City Attorney Kenyon announced the business to be discussed.

1. PURSUANT TO GOVERNMENT CODE SECTION 54957.6 Conference with labor negotiator. Agency negotiator: Glen Berkheimer. Employee organization: Firefighters Local 2400; Battalion Chiefs Local 850; Management Local 350.

7:00 PM OPEN SESSION

Mayor Stone reconvened the meeting at 7:00 p.m.

Call to Order

Attendee Name	Title	Status	Arrived
Len Stone	Mayor	Present	
Mary Ann Nihart	Mayor pro Tem	Present	
Sue Digre	Councilmember	Present	
Karen Ervin	Councilmember	Present	
Mike O'Neill	Councilmember	Present	

Salute to the Flag led by Mayor Stone

Closed Session Report

Acting City Attorney Pittman stated that there was no reportable action taken.

CONSENT CALENDAR

Mayor pro tem Nihart stated that she would abstain from voting on Item #4, but can vote on the rest of it.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mike O'Neill, Councilmember
SECONDER:	Sue Digre, Councilmember
AYES:	Stone, Nihart, Digre, Ervin, O'Neill

1. Approval of Disbursements.
PROPOSED ACTION: Approve
2. Approval of Minutes
PROPOSED ACTION: Approve Minutes.
3. Proclamation Confirming the Existence of a Local Emergency
PROPOSED ACTION: Move to continue the existence of a local emergency dated April 12, 2010.
4. Adoption of an Ordinance Reclassifying Property at 2212 Beach Boulevard (Second Reading)
PROPOSED ACTION: Move to adopt the ordinance entitled "An Ordinance of the City Council of the City of Pacifica Reclassifying (RZ-191-12) Property at 2212 Beach Blvd. (APN: 016-204-020 and 016-294-510) From P-F, Public Facilities, to P-D, Planned Development, with a Development Plan (DP-74-12) for the Redevelopment of a 3.5 Acre Lot to Mixed-Use Development
5. Chemical Root Control Services
PROPOSED ACTION: Authorize staff to sign the attached Consultant Services Agreement with Duke's Root Control, Inc. for chemical root control services in an amount not to exceed \$50,000.
6. Approval of Contract Amendment No. 12 to the Consultant Design Services Agreement Between the City of Pacifica and Wilsey Ham for the Route 1, San Pedro Creek Bridge Replacement and Creek Widening Project. Additional Budget Authority is Required in the Amount of \$97,712 from Highway 1 Fund 12 to Account No.12.900000.52800.0024.000, to be Reimbursed by the San Mateo County Transportation Authority.
PROPOSED ACTION: Approve Contract Amendment No. 12 to the Consultant Design Services Agreement between the City of Pacifica and Wilsey Ham; approve additional budget authority in the amount of \$97,712 from Highway 1 Fund 12 to Account No.12.900000.52800.0024.000, to be reimbursed by the San Mateo County Transportation Authority; and authorize the City Manager to execute Amendment No. 12.

SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

None.

COUNCIL COMMUNICATIONS

Mayor pro Tem Nihart congratulated the Historical Society for opening the one piece of the museum. She stated that they had an excellent meeting of the Beautification Task Force, explaining that they were getting close to starting on Linda Mar Boulevard with three or four people adopting the islands. She informed the public that Aaron Clark, along with the Task Force, did all the cleanup at the Sharp Park off ramp, donating two days of his own time. She stated that, if we had employee of the month or year, she would nominate him and was so grateful to him.

Councilmember Digre informed everyone that, for those looking for jobs, Congresswoman Speier was hosting a job event on October 16, but it requires a signup through her office. She mentioned that Linda Mar residents will have reduced flood insurance rates because of staff work done on the Pedro Creek. She stated that, on October 16, the airport will have a talk on runway closures which will affect Pacifica. She stated that POPS' celebration at the pier was a wonderful day and she thanked all those people who support POPS, adding that they have worked hard for years and the pier was becoming an economic asset, but still needed repairs. She attended the public meeting on the Highway 1 widening proposal, which was an excellent presentation. She stated that Measure V will be debated by the Democrats on the third Saturday at Sharp Park Golf Course. She stated that, on October 17, was the annual earthquake drill. She thought that, once we get our City Manager and emergency panel, we should plan something big for 2014. She reminded everyone of the Fire Department's Open House on the 19th with information on fire safety issues. She stated that there will be an ethics course presentation for people on commissions and elected people.

Councilmember O'Neill stated that he attended the Highway 1 meeting and he also attended a successful barbecue at the Moose Lodge for the Boys and Girls Club with a donation from the Police Officers. He stated that he was asked to be the Council representative for the Jefferson Union High School Strategic Plan and had already attended the first meeting. He would like to discuss having the Council send a letter to the Coastal Commission in support of the Holiday Inn expansion.

Councilmember Ervin attended a spaghetti dinner and silent auction at the Community Center in honor of Senior Services put on by Jim Lang and his staff. She appreciated staff's efforts. She also reminded everyone about the debate on Measure V on October 19. She extended her gratitude and thanks to the interim city manager, mentioning that this was his last meeting. She stated that he has been a positive influence on the City in the short time he has been here. She appreciated his integrity, wisdom and leadership, adding that he has taught her a lot in his short time here.

Mayor Stone seconded that comment, adding that Mr. Garvey has shown them a lot and given them a different perspective. He felt it was difficult to be an interim manager and he thought he had done a very good job. He appreciated getting to know him. He concurred with Councilmember O'Neill regarding the Holiday Inn, so he thought it would be great to put that on the agenda. He thanked Van Ocampo and the Public Works department for doing a great job. He stated that they had a tour of BPAC projects and there was a call for projects. He mentioned that cities submit the projects to a committee and the committee, of which he is a member, score the projects. He felt Van Ocampo did a fantastic job with a presentation for a funding for a portion of the coastal trail that needs repaving. He mentioned that the Police Department contributed by helping to get the van up to the location. He stated that he was approached by a member of the public about the UUT ordinance, asking about location and if they did business in

Pacifica did that qualify to be under the measure or did the billing address have to be in the City limits to be under Measure V.

Acting City Attorney Pittman stated that the proposed UUT was on telecommunications services and they are billed based on their billing address. The only time that the billing address would be separate is if someone owns a business in the City but has the bills sent to an address outside the City, and that business would incur the UUT. For a business located outside the City, who comes in, such as a mobile phone service, and they are using the mobile phone while in the City, they would not be subject to the tax because the primary business address was outside the City.

Mayor Stone asked for a short formal opinion of that so that it will be settled for this particular group of business owners who were concerned about it.

Acting City Attorney Pittman stated that their office would send a formal written opinion.

ORAL COMMUNICATIONS

Paula Texeira, Pacifica, stated that, on Friday, they were partnering with the Pacifica Beach Coalition to bring a program about sharks because it was "Sharktober." They will be showing a movie, "White Shark Café," which profiles two pioneers who are doing research in the Farallon Islands in the field of scientific study of these predators. She stated that they would have a guest speaker, David McGuire, and Lynn Adams will be making her famous popcorn. On October 25, they will have Dia de los Muertos, a day remembering the dead, with mariachis, face painting, skull decorating and skull cookies. Families were invited.

Gil Anda, San Bruno, stated that he now lives in San Bruno but he has a deep interest in Pacifica. He was aware of Measure V, which was getting something passed that will bring in tax revenues for the City. While he didn't live in the City, he wanted to speak on behalf of property owners. He stated that it has to do with an unresolved General Plan proposal for the Calson property on Pedro Point. He stated that there was a group that wanted to reserve the entire parcel for a park. He stated that he knew Mr. Calson would be willing to do a development package which includes a park. He referred to the City's past track record for getting assessments passed, and felt it was important for the City to demonstrate a willingness to put things in the pipeline to provide a solution to the City's budget problems. He thought a proposal that incorporates a park with a development will happen a lot sooner than just going after the entire property in the hope of making it into a park.

Tod Schlesinger, Pacifica, commented on the Mayor asking the City Attorney after it was on the ballot, adding that he felt the mayor should know all the answers before he put his "500" in and the Mayor pro Tem puts her "500" in. He then refers to a brochure and stated that this was contracted for in June and the vote to put the Measure V on the ballot until July 8. He checked with the Fair Political Practices Commission and it was not illegal but he guaranteed that it was fast and loose. He then commented on who was supporting or not supporting Measure V. He acknowledged that the whole Council was supporting it because they want the taxpayers to pay for their faux pas. He then mentioned other supporters, Leland Yee, Dave Canepa from Daly City, Julie Lancelle, including Hal Bohner and Pete Loeb. He concluded that they want taxpayers to pay while they sit on their hands and politically debate. He also mentioned that Dave Bertini who doesn't live here anymore supported it. He concluded that they weren't going to get this through and didn't deserve it, adding that they tried to pull it with the sales tax, fire

assessment. He could go on but felt he made his point. He felt it was not going to pass and it shouldn't pass.

CONSIDERATION

Mayor pro Tem Nihart recused herself.

Interim City Manager Garvey presented the staff report.

Mayor Stone asked if they needed a vote or just directions.

Interim City Manager Garvey stated that he thought they had to vote, but he stated that, if they give them guidelines, they can take it from there.

Mayor Stone stated it was okay either way.

Interim City Manager Garvey stated they can pick a date now or they could poll the Council later. He stated that they want the public it is coming and they have been talking about it. If they poll the Council, they will let the public to know that they are working with them to find a date.

There were no public comments.

Mayor Stone commented that, if they were okay with this and it doesn't need a lot of discussion, they can just pick a date and move on.

Councilmember Ervin thought it would be important, as stated by the Interim City Manager, to get the people notified, especially the West Sharp Park Advisory Committee who have spent years being involved with this design.

Councilmember Digre thought she heard that they only need to say they want to do it and they Manager would poll them to find the most appropriate date.

Interim City Manager Garvey stated that it would be fine.

Mayor polled that everyone was okay with the meeting, and he asked if there were any suggestions for a date.

Interim City Manager Garvey stated that he would put out an email to Council to pick a date. That will be the only item to be discussed, the date they were available, proposing several dates and ask for a response on each.

Councilmember Digre commented that the plan was on line and was worth looking at because it goes into depth. The public can take a look and get a headstart.

Councilmember O'Neill warned them that it takes a while to load.

Mayor Stone asked if it was on the front page of Pacifica's homepage.

Interim City Manager Garvey stated that he would have to check but, if not, it will be.

7. Consideration of Scheduling a Study Session to Consider the Palmetto Avenue Design Guidelines
PROPOSED ACTION: Schedule Study Session

ADJOURN

Mayor Stone adjourned the meeting at 7:23 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED:

Len Stone, Mayor