# CITY OF PACIFICA CITY COUNCIL AGENDA

MAYOR SUE DIGRE
MAYOR PRO TEM PETE DEJARNATT
COUNCILMEMBER CALVIN HINTON
COUNCILMEMBER JAMES VREELAND
COUNCILMEMBER JULIE LANCELLE

CITY COUNCIL CHAMBERS 2212 BEACH BOULEVARD PACIFICA, CALIFORNIA 94044

# **November 27, 2006**

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#### 5:45 P.M. CLOSED SESSION:

- 1. Pursuant to Government Code Section 54956.9(a) conference with legal counsel, exisiting litigation: <u>Gregory Saulsbury, Sr., et al. v. City of Pacifica, et al.</u> United States District Court, Northern District of California, Case No. C-05-01471 EMC
- 2. In accordance with Government Code Section 54957.6. Conference with Labor Negotiator. Agency Negotiator: Ann Ritzma. Employee organization: Teamsters Local 856 Battalion Chiefs, and Teamsters Local 350, Department Directors.

#### 7:00 p.m. REGULAR COUNCIL MEETING

Call to Order Roll Call Salute to the Flag led by Mayor Digre Commission Liaisons: None Chamber of Commerce Liaison: None

# **CONSENT CALENDAR**

In a single motion, the City Council will consider and act upon Items 1 through 11.

- 1. Approval of disbursements dated 10/23/06, 10/27/06, 10/30/06 and 11/01/06 in the amount of \$745,529.00 Regular and quick checks numbered 81562, 81565, 81566 and 113674-113926 and Approval of disbursements dated 11/09/06, 11/13/06, 11/15/06 and 11/16/06 in the amount of \$573,724.80, Regular and quick checks numbered 81573, 81576, 81577 and 113927-114103 (Proposed action: approve)
- 2. Approval of Minutes of regular City Council meeting of November 13, 2006 (**Proposed action:** approve Minutes)
- 3. Quarterly Investment Report for September 30, 2006 (Proposed action: receive and file)
- 4. Notice of Completion for the Wetlands Construction Planting Project (**Proposed action**: adopt the resolution next in order accepting completion and directing the City Manager to File the Notice of Completion for the Wetlands Construction Planting Project)
- 5. Award of Contract to JDB Construction for the Beverly Place Storm Drainage Project (**Proposed action**: award contract to the apparent low bidder, JDB Construction, for the Beverly Place Storm Drainage Project, should that contractor not complete contract award requirements, authorize award to the second apparent low bidder; authorize the City Manager to execute all necessary documents

- associated with the ward of contract; and approve budget authority in the amount of \$18,400.00 from Measure A Fund for this project)
- 6. Cancellation of December 26<sup>th</sup> City Council Meeting (**Proposed action**: cancel the December 26, 2006 City Council meeting)
- 7. Rejection of Bids for the Palmetto Esplanade Stair Project (**Proposed action:** authorize staff to reject all bids for the Palmetto/Esplanade Path and Stair project)
- 8. Tree Survey and City Landscape Plan (**Proposed action:** approve additional budget authority in the amount of \$25,000.00 and authorize the Finance Director to issue payment)
- 9. Amendment to PARS (Public Agency Retirement Services) Agreement for Alternative Retirement System for Part-time Employees (**Proposed action**: approve the amended Exhibit 1B C and the new agreement that reflects the updated language with Phase II Systems PARS (Public Agency Retirement Services) for Alternate Retirement System and direct staff to execute the document)
- 10. Adoption of An Ordinance of the City Council repealing Pacifica Municipal Code Section 6-1.225 Regarding Violations of Animal Regulations (second reading) (**Proposed action**: move to adopt an ordinance entitled "An Ordinance of the City Council of the City of Pacifica Repealing Pacifica Municipal Code Section 6-1.225 Relating to Penalty Provisions in the Animal Control Regulations")
- 11. GASB 45 Actuarial Consultant (**Proposed action**: information only receive and file)

#### **SPECIAL PRESENTATION**

None.

#### **COUNCIL COMMUNICATIONS**

The purpose of Council Communications is for Councilmembers to inform each other of items of potential interest to other Councilmembers, such as interagency meetings. Each councilmember is allotted three minutes.

# **ORAL COMMUNICATIONS**

This portion of the Agenda is available for the public to address the City Council on any issue that is not on the Agenda. A maximum time of three minutes will be allowed for any speaker.

#### **PUBLIC HEARING**

During public hearings, an applicant or their agent and appellants have ten minutes for their opening presentation and three minutes for rebuttal before the public hearing is closed. Members of the public are limited to three minutes.

None.

# **CONSIDERATION**

Award of Contract to Power Engineering Contractors, Inc. for the Pacifica Municipal Pier Project for \$677,250.00 (**Proposed action:** authorize the City Manager to enter into the attached agreement with Power Engineering Contractors, Inc. for the repair of the pier for \$677,250.00. Authorize budget authority for \$677,250.00)

#### RECONVENE TO CLOSED SESSION

#### **CLOSED SESSION CONTINUED ITEMS:**

3. In accordance with Government Code Section 54956.8. Conference with real property negotiator: Discussion concerns price and terms of payment: Agency negotiator attending

session: Joseph Tanner: Property: 43 Birch Lane (APN: 016-294-520) Negotiating parties: City of Pacifica and Public Administrator County of San Mateo.

4. In accordance with Government Code Section 54957. Public Employee Appointment: Interim City Manager.

#### **ADJOURNMENT**

NOTICE: If you challenge a city's zoning, planning or other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Judicial review of any city administrative decision may be had only if a petition is filed with the court not later than the  $90^{th}$  day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

The City of Pacifica will provide assistance for disabled citizens upon at least 24 hours advance notice to the City Manager's Office (650) 738-7301, or send request via email to: o'connellk@ci.pacifica.ca.us If you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to the disabled.

The Pacifica Municipal Code is available on line at the City's website (<u>www.ci.pacifica.ca.us</u>); at the website, scroll down to find the Link.

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#### **HOW TO REACH YOUR LEGISLATORS**

- Governor Arnold Schwarzenegger, State Capitol Building, Sacramento CA 95814 (916) 445-2841
- State Senator Jackie Speier, 400 So. El Camino Real, Ste 630, San Mateo CA 94402 (650) 340-8840
- Assemblymember Gene Mullin, 1528 So. El Camino Real, Ste 302, San Mateo CA 94402 (650) 341-4319
- Congressman Tom Lantos, 400 So. El Camino Real, Ste 410, San Mateo CA 94402 (650) 342-0300
- Senator Barbara Boxer, 1700 Montgomery Street, Ste 240, San Francisco CA 94111 (415) 403-0100
- Senator Dianne Feinstein, #1 Post Street, Ste 2450, San Francisco CA 94104 (415) 393-0710

# CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT

November 27, 2006

Agenda Item No. 3

# SUBJECT:

Quarterly Investment Report for September 30, 2006

# **ORIGINATED BY:**

Finance Department

# **DISCUSSION:**

# Investment Performance

The attached investment report indicates that on September 30, 2006, City funds in the amount of \$21,375,597 were invested, producing a **weighted** average yield for City investments of 4.57%. The Local Agency Investment Fund (LAIF), which is usually used as a benchmark for comparison of investment yield, is up to 4.93%, as it has been steadily trending upward. General Fund investment income for fiscal year 2006-2007 is budgeted at \$300,000. Investment income fiscal year to date is \$68,869 or 23% of the budgeted amount, which is a direct result of higher LAIF balances and steadily rising interest rates. Note that \$2,136,546 is bond proceeds invested but committed to an escrow account for payment of the refunding for the SRF loan. And, \$13,299,445 with Wells Fargo is reserve for the payment of the refunded Certificates of Participation issued in May 2006.

The Governmental Accountant Standards Board (GASB), through GASB 31, requires governmental entities to report their investments at fair market value, i.e. securities should be reported at their current market value. Because of changing market conditions, City investments may, at times, appear to be losing value. However, because it is our intent to hold investments to maturity, apparent reporting losses in principal are "paper" losses only. The City has no agency securities in the investment portfolio at this time.

# Investment Strategy and the Market

The City's investment policy stresses "Safety, Liquidity and Yield", while meeting the cash flow needs of the City through prudent investment of unexpended cash. The Federal Open Market Committee (FOMC) overnight rate was at 5.25% at the end of September.

Total cash position is down from last quarter, but will rise back to normal levels in December when the property tax and sewer fee distributions are received.

# Compliance with Policy

Historical cash flow trends are compared to current cash flow requirements on an ongoing basis to ensure the City's investment portfolio will remain sufficiently liquid to enable the City to meet reasonably anticipated operating requirements. As of September 30, 2006, the City had sufficient liquid assets available to meet expenditure requirements but cash flow is being monitored closely. There were several unusual and unbudgeted expenditures effecting cash flow, including disaster repair expenditures and a large court-ordered bond deposit.

As of September 30, 2006 the City and RDA had no investment instruments with a maturity date longer than one year. All other investments are in highly liquid accounts, utilizing the State investment pool. All investments are in compliance with the City's Investment Policy.

The City's Investment Advisory Committee, consisting of the City Manager, City Attorney and Finance Director, has reviewed the attached Investment Report.

# RECOMMENDATION

That the Council consider a Motion to receive and file the Quarterly Investment Report for September 30, 2006.

# **ATTACHMENTS:**

Investment Portfolio 9-30-06 Pie Chart

# CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT NOVEMBER 27, 2006

Agenda Item No. 4

# SUBJECT:

Notice of Completion for the Wetlands Construction Planting Project

# **ORIGINATED BY:**

**Public Works Department** 

# **BACKGROUND/DISCUSSION:**

On August 8, 2004, Council authorized award of contract to Go Native Nursery, LLC for the Wetlands Construction Planting Project in the amount of \$82,000, of which \$75,000 was funded through the Clean Beaches Initiative Grant and \$7,000 was funded through the Skate Park Grant. Both grants are under Proposition 40.

The project involved excavation and planting near the San Pedro Creek Mouth, planting in and around Linda Mar Pump Station and the wetland at the new Skate Park.

As the project is now recently finished, it is appropriate to record the formal Notice of Completion. This recorded document is the legal notice that the City considers the project done.

# **FISCAL IMPACT**:

There is no fiscal impact related to filing the Notice of Completion.

# **DOCUMENTS ATTACHED:**

- Resolution Accepting Completion and Directing the City Manager to File Notice of Completion for the Wetlands Construction Planting Project.
- 2. Notice of Completion.

# **COUNCIL ACTION REQUESTED:**

Adopt the resolution next in order accepting completion and directing the City Manager to file Notice of Completion for the Wetlands Construction Planting Project.

# CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT November 27, 2006

Agenda Item No. 5

# **SUBJECT:**

Award of Contract to JDB Construction for the Beverly Place Storm Drainage Project.

# **ORIGINATED BY:**

Engineering Division
Public Works Department

#### **BACKGROUND/DISCUSSION:**

During last winter's rains at least two homes along Channing Way got flooded with storm water run-off from Beverly Place, this is primarily due to the absence of any storm drainage inlet on Beverly Place that will intercept the run-off and prevent it from entering the private properties.

Engineering Staff went on site to investigate and designed a storm drainage improvement project that will intercept the street storm water run-off and properly discharge it into our storm drain system. The Beverly Place Storm Drainage Project involves the installation of a drainage system that will do just that. It will prevent runoff from flowing into private properties and flooding them. The project plans and specifications were prepared by staff and the project was formally advertised for bid on October 25, 2006. Two companies purchased copies of the project plans and specifications and both submitted bids. The bid opening was held on November 8, 2006 and the result is as follows:

JDB Construction \$16,000.00 Power Engineering Contractors \$18,705.00

The apparent low bidder is JDB Construction. JDB has done a number of private development projects here in our City and staff has been satisfied with the quality of their work. This will be the first time JDB will be working on a City project so, Staff also checked their references and received positive feed back. All required documentations were submitted with their bid; therefore, staff recommends award of contract to JDB Construction. If the apparent low bidder does not provide the proper bonds and proof of insurance prior to the signing of the contract, the project may be awarded to the apparent second low bidder.

# **FISCAL IMPACT:**

The fiscal impact is as follows:

**Project Costs** 

Construction contract\$16,000.00Contingencies\$ 2,400.00Total Project Cost\$18,400.00

Council Agenda Summary Report Award of Contract to JDB Construction for the Beverly Place Storm Drainage Project November 27, 2006 Page 2

Fiscal impact will be in the amount of \$18,400.00 from Measure A Fund.

# **DOCUMENTS ATTACHED:**

A copy of the project plans and specifications is available at Office of the City Engineer and will be available at the Council meeting.

# **COUNCIL ACTION REQUESTED:**

Award contract to the apparent low bidder, JDB Construction, for the Beverly Place Storm Drainage Project, should that contractor not complete contract award requirements, authorize award to the second apparent low bidder; authorize the City Manager to execute all necessary documents associated with the award of contract; and approve budget authority in the amount of \$18,400.00 from Measure A Fund for this project.

# CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT November 27, 2006

Agenda Item No. 6

# SUBJECT:

Cancellation of the December 26th City Council Meeting

# **ORIGINATED BY:**

City Manager's Office

# **DISCUSSION:**

The City Council has traditionally cancelled the second Council meeting in December to allow for a vacation period. As the holiday falls on a Monday, December 25th, the regularly scheduled City Council meeting would be held on Tuesday, December 26, 2006.

This item is being brought to the Council to determine if it is the wish of Council to cancel the meeting of December 26, 2006.

# **FISCAL IMPACT:**

None.

# **ATTACHMENTS:**

None

# **COUNCIL ACTION REQUESTED:**

Cancel the December 26th City Council meeting.

# CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT NOVEMBER 27, 2006

Agenda Item No. 7

# **SUBJECT:**

Rejection of Bids for the Palmetto Esplanade Stair Project

# **ORIGINATED BY:**

Public Works Department

# **BACKGROUND/DISCUSSION:**

The project was advertised on October 11, 2006 and one bid was received on November 2, 2006. The bid was received from Power Engineering for \$1,049,160. The City had funding for the project in the order of \$600,000 including a Coastal Conservancy Grant of \$350,000. Staff recommends the rejection of the bids and the pursuit of additional grant funds. After sufficient funds have been obtained, we intend to rebid the project in January 2007.

# **FISCAL IMPACT:**

There is no fiscal impact related to rejection of the bids

# **DOCUMENTS ATTACHED:**

None.

# **COUNCIL ACTION REQUESTED:**

Authorize staff to reject all bids for the Palmetto/Esplanade Path and Stair Project

# CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT November 27, 2006

Agenda Item No. 8

# **SUBJECT:**

Tree survey and City landscape plan

# **ORIGINATED BY:**

Public Works Department Field Services Division

# **DISCUSSION:**

Public Works is requesting funding for a City wide tree survey and City wide landscape plan. These surveys will help assist staff in prioritizing work, identifying hazardous tree situations and will be a big part of our new tree program. The funding will also insure our Tree program to be compliant with our insurance carrier ABAG. Public Works will have a Certified Consulting Arborist perform the surveys.

# **ATTACHMENTS:**

Consultant Services Agreement

# **FISCAL IMPACT:**

Public Works is requesting additional funding up to the amount of 25,000.00 dollars. The City will be seeking a grant from ABAG to help offset the cost of this survey.

# COUNCIL ACTION REQUESTED:

Approve additional budget authority in the amount of \$25,000.00 and authorize the Finance Director to issue payment.

# CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT

November 27, 2006

Agenda Item No. 9

# SUBJECT:

Amendment to PARS (Public Agency Retirement Services) agreement for Alternative Retirement System for Part-time employees.

# **ORIGINATED BY:**

Human Resources

# **DISCUSSION:**

The City has recently reviewed our agreement with PARS Alternative Retirement System. The plan provides an alternative retirement program for part-time employees and those not enrolled in PERS (Public Employees Retirement System). Under the PARS program, part-time employees, once separated from the City, wait 24 months for compensation if they move into another retirement system (PERS for example). During the waiting period, an employee's account is charged a portion of the annual asset fee, which in many cases ends up being more than the account earns in interest thus reducing the former employee's account below the initial balance when the employee separated from service. Staff is recommending that the City amend the agreement with PARS and pay the annual asset fee (Exhibit 1B - C) which is approximately \$3,000 per year.

The new agreement also reflects updated language from the original 1992 Agreement for Services with the City

# FISCAL IMPACTS:

The City will pay the annual asset fee (Annual Rate divided by 12 months multiplied by the Plan asset balance at the end of the month within each asset range. Currently the annual asset fee is approximately \$3,000 per year.

# **ATTACHMENTS:**

Agreement for Administrative Services between Phase II Systems – PARS (Public Agency Retirement Services)

# **COUNCIL ACTIONS REQUESTED:**

Approve the amended Exhibit 1B – C and the new agreement that reflects the updated language with Phase II Systems – PARS (Public Agency Retirement Services) for Alternate Retirement System and direct staff to execute the document.

# CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT

November 27, 2006

Agenda Item No. 10

# SUBJECT:

Adoption of An Ordinance of the City Council repealing Pacifica Municipal Code Section 6-1.225 regarding violations of animal regulations (second reading).

# **ORIGINATED BY:**

City Attorney's Office

# **DISCUSSION:**

This ordinance was introduced at the City Council meeting of November 13, 2006 and is in order for adoption.

# **ATTACHMENT:**

Ordinance

# **COUNCIL ACTION REQUESTED:**

Move to adopt an ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA REPEALING PACIFICA MUNICIPAL CODE SECTION 6-1-225 RELATING TO PENALTY PROVISIONS IN THE ANIMAL CONTROL REGULATIONS"

# CITY OF PACIFICA

# CITY COUNCIL AGENDA SUMMARY REPORT

November 27, 2006

Agenda Item No. 11

#### **SUBJECT:**

GASB 45 Actuarial Consultant

# **ORIGINATED BY:**

Finance Department

# **DISCUSSION:**

Governmental Accounting Standards Board issued Statement No. 45 (GASB 45) Accounting and Financial Reporting by Employers for Postemployment Benefits Other than Pensions, which requires governmental entities to begin accounting for postretirement benefits on an accrual basis for reporting in our Comprehensive Annual Financial Report (CAFR). The City of Pacifica is required to adopt GASB 45 in the 2008-2009 fiscal year.

A Request for Proposal (RFP) was issued to perform the actuarial valuation necessary to determine the cost of postretirement benefits for the City. The City received five responses to the RFP; one response for \$13,000; one response for \$11,500; one response for \$9,500, one response for \$6,000; and, one for \$6,600. After detailed review of the proposal responses, Staff is recommending the services be provided by Nicolay Consulting, at a cost of \$6,600. Nicolay Consulting has an extensive client list and received highly complimentary client satisfaction responses to the reference checks performed by Staff. The lowest bidder presented a very short client list, with most clients outside the municipal category.

# **FISCAL IMPACT:**

Yet to be determined.

# **ATTACHMENTS:**

None

# **COUNCIL ACTION REQUESTED:**

Information Only

# CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT NOVEMBER 27, 2006

Agenda Item No. 12

# **SUBJECT:**

Award of Contract to Power Engineering Contractors, Inc. for the Pacifica Municipal Pier Repair Project for \$677,250.

# **ORIGINATED BY:**

Public Works Department

# **DISCUSSION:**

Advertisement for this project was done in accordance with the formal bid process on September 30, 2006. and on November 7, 2006, bids were received. Twelve companies bought plans and specifications but only three submitted bids. The result of the bid opening is as follows:

Power Engineering Contractors, Inc. \$677,250.00 Johnson Westen Gunite Company \$749,000.00 O'Grady Paving, Inc. \$1,059,369.00

The apparent low bidder is Power Engineering Contractors Inc.. All required documentations were submitted with their bid; therefore, staff recommends award of contract to the apparent low bidder.

# **FISCAL IMPACT:**

The project has received a grant award for \$500,000. Once the contract has been awarded, we feel confident that the grant amount can be increased to cover the project cost. It will take approximately 4 months to obtain the additional grant funds. The project is based on unit price cost for the repair of spalled concrete. Once all the concrete repairs are completed, the project will be completed. Based on the engineers report and the bid quantities, we can most likely complete the project for around \$500,000. Budget authority is required for \$677,250. We intend to halt the construction when the \$500,000 cost is reached and proceed once additional funds are obtained.

# **DOCUMENTS ATTACHED:**

Agreement.

# **COUNCIL ACTION REQUESTED:**

Authorize the City Manager to enter into the attached agreement with Power Engineering Contractors Inc. for the repair of the pier for \$677,250. Authorize budget authority for \$677,250.