

## MINUTES

City Council Regular Meeting  
2212 Beach Boulevard  
Pacifica, CA 94044

February 26, 2007

Mayor DeJarnatt called the meeting to order at 5:30 p.m., stating that all councilmembers were present and announced that the Council would meet in Closed Session. City Attorney Quick announced the business to be discussed:

1. Pursuant to Government Code Section 54956.9 (b): Conference with legal counsel-anticipated litigation. One potential case.
2. Pursuant to Government Code Section 54956.9(c): Conference with legal counsel-initiation of litigation. One potential case.
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: William C. Norton. Property: APN 023-593-140. Negotiating parties: City of Pacifica and Enhanced Affordable Development Company.
4. In Accordance with Government Code Section 54957.6: Conference with Labor Negotiator: Agency Negotiator: Ann Ritzma. Employee Organization: Teamsters Local 856 – Police Officers’ Association, Police Supervisors’ Association, Battalion Chiefs; Local 350 Police Management; and Firefighters’ Local 2400.

Mayor DeJarnatt called the meeting to order at 7:05 p.m.

Present: Councilmembers: Digre, Lancelle, Hinton, Vreeland, and DeJarnatt.  
Excused: Councilmembers: None.

Staff Present: William C. Norton, Interim City Manager; Cecilia Quick, City Attorney; Maureen Lennon, Finance Director; Michael Crabtree, Planning Director; Mari Brumm-Merrill, PB&R Director; Van Ocampo, City Engineer; Jesse DeGuzman, Associate Civil Engineer; Kathy O’Connell, City Clerk; Jim Tasa, Police Captain

Mayor DeJarnatt led the Salute to the Flag.

Commission Liaison: None.  
Chamber Liaison: None.

### **CLOSED SESSION:**

City Attorney Quick stated that the City Council had authorized the City Attorney to initiate litigation, adding that the particulars would be disclosed upon inquiry once the action had commenced, unless disclosure would jeopardize the City’s ability to serve process or to conclude existing settlement negotiations to the City’s advantage.

### **CONSENT CALENDAR:**

Councilmember Lancelle moved approval of the Consent Calendar, as amended, as follows: Approval of disbursements dated 1/31/07 to 02/16/07 in the amount of \$783,648.09, regular and quick checks numbered 81597 and 115059 to 115246, as set forth in Item #1; Approval of Minutes of regular City Council meeting of February 13, 2007, as set forth in Item #2; Approval to Contract with the San Mateo Community College District to Assume Unused Slots for Subsidy Preschoolers for Fiscal Year 2006/07, as set forth in Item #3; Approval of appeal of Building Official's Denial of the Animal Permit Application to Have Four Beehives at 227 Modoc Place, Pacifica (APN 018-132-050), as set forth in Item #4; seconded by Mayor pro Tem Vreeland.

Councilmember Lancelle stated that she would abstain from voting on Item #4, as she had been recused from deliberation on that item.

**ROLL CALL VOTE:**

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

Noes: Councilmembers: None.

**Motion carried: 5-0.**

**SPECIAL PRESENTATION:**

None.

**COUNCIL COMMUNICATIONS:**

Councilmember Hinton stated that he represented the ~~City~~County at Large on the Mosquito Abatement Board, and he explained that, subsequent to the Council's decision regarding the bees, he spoke with the chief entomologist from the Mosquito Abatement District who confirmed all the statements made regarding the temperament of bees. At the Sports Hall of Fame dinner, he also spoke with a gentleman who was in that business and who also confirmed the statements. He concluded that the Council had acted appropriately.

Councilmember Lancelle attended the San Mateo County Subregional Housing Needs Allocation Policy Advisory Committee as the City's representative, explaining that the committee was looking at ABAG's housing needs report, adding that she had copies of the agenda for every Councilmember and would keep them posted on the progress. She also attended the City's 50<sup>th</sup> Anniversary kickoff at the Little Brown Church, and extended "kudos" to the Little Brown Church Committee and the Historical Society. She was in support of and attended the West Sharp Park Advisory Committee meeting which was interesting. They had an excellent presentation, as well as conversation, regarding redevelopment. She commended the Mayor for his State of the City speech at the Pacifica Democrats. She also met with St. Peter's PIA group, following up on the inclusionary ordinance, with the goal of having it on the Council agenda in March. She commended the Finance Director for conducting the meeting on the Farmer's Market. She also met with Eagle Scout Jared Wells in connection with a badge requirement to interview a public official. She saw Miss Pacifica recently and stated that she was doing a wonderful job, adding that she was also in a play at San Francisco City College and encouraged everyone to see it.

Councilmember Digre stated that she attended the Farmer's Market forum and thanked everyone who attended. She also attended a two-county meeting with an energy specialist which was informative. She stated that the Sports Hall of Fame dinner was a wonderful event. She mentioned the 50<sup>th</sup> anniversary kickoff, the Sustainable San Mateo County Awards, the process of

evaluating the fire service's JPA and Fire Assessment, the General Plan, and redevelopment. She suggested evaluating how they advertise what was going on in the City.

Mayor pro Tem Vreeland stated that, with Councilmember Digre's comments in mind, a good way to get more information was by going to the City's new website, thanking staff for their hard work on that. He mentioned that he would like to see the JPA have a meeting soon, because there were a number of issues that he would like to see discussed at the board level. He mentioned the letter that was sent to the City of San Francisco regarding the work being done on the rifle range, asking if we had gotten a response as yet.

Interim City Manager Norton stated that they hadn't, but they had talked to DTSC and the County and were having a meeting with them next week.

Mayor pro Tem Vreeland mentioned that he knew they had gotten the state's Department of Toxic Substance Control to slow down on the cleanup and have a discussion with the City so that they would leave the property in a condition that would allow them to have an athletic field or sports complex. He thought having them come to a Council meeting to have a discussion would be fine. He hoped that they could have an agenda item for the 50<sup>th</sup> anniversary celebration, because several people had given him suggestions. He asked whether the Planning Commission could look into a view ordinance, mentioning the one at Solano Beach, in connection with their discussion of big homes and have a study session.

Councilmember Lancelle stated that she had also met with Tobacco Utilization Prevention Education, which included a program to involve students in the prevention of tobacco use among teens. She also talked to them about the shuttle, with a follow up meeting scheduled the following Thursday. She appreciated mention of Solano Beach, stating that they had done a lot of work on that ordinance. She stated that she received an e-mail which mentioned the San Francisco Rec Department's disposition of some of their golf courses, including the Sharp Park Golf Course, and she hoped the City would stay proactive on that. She mentioned the Read-Aloud Days in the schools. She encouraged people to contact the schools and volunteer.

Councilmember Hinton stated that Councilmember Lancelle reminded him about reading to the students, and he felt it was the most exciting thing you could do.

Mayor DeJarnatt agreed, stating that he was reading to first graders this year. He would also appreciate it if staff would watch the disposition of the golf courses very closely. He attended a lunch at Terra Nova put on by the foods classes. He met with the Library Foundation and was brought up to speed with what they were doing. He also met with members of PIA and enjoyed the frank discussion and was looking forward to further discussions. He attended the Sports Hall of Fame dinner, along with Councilmembers Hinton and Digre, and congratulated all the inductees. He also thanked Horace Hinshaw and his helpers for the stellar job.

### **ORAL COMMUNICATIONS**

Mayor DeJarnatt opened Oral Communications.

**Anna Boothe, 1060 Terra Nova Boulevard**, asked that the Council reinstate the Pacifica Cultural Arts Commission, which was disbanded the previous year for financial reasons. She stated that the City was in better financial shape this year, and she thought we could afford staff time for one meeting a month for a Commission representing hundreds of arts, organizations and projects and being involved in various awards and activities in the City.

Councilmember Lancelle suggested that they ask staff to look at this and incorporate the objectives of the Commission as advisors on the Strategic Plan.

Mayor DeJarnatt thought it was a good idea, and thought the City Manager was making a note of the suggestion.

**Frank Winston, 555 Crespi Drive**, stated, in response to Mayor pro Tem Vreeland, that the Pacifica Historical Society would give the Council a full report on March 12, but he was now promoting a couple of events coming up before and shortly after March 12. He stated that the most important event was on March 17, namely a reunion of all people who had served on the City's Council, Commissions, Police and Fire Department Chiefs, and he encouraged everyone to invite anyone who had not heard of the event as yet. He stated that the fundraiser for the Historical Society was on April 18, a day at the Giants game, and encouraged everyone to buy their tickets at the March 12 Council meeting. He mentioned that there would be plenty of information in the *Tribune* for joining, as well as a list of scheduled events.

**Horace Hinshaw, 1212 Redwood**, thanked the Councilmembers who attended the Sports Hall of Fame dinner. He mentioned that they had more than 100 individuals inducted into the Sports Hall of Fame. He stated that his reason for speaking was to support the recommendation of turning the old rifle range into a sports complex, which was an ideal location. He mentioned the possibility of developers being asked to contribute to the complex, asking staff to amend the ordinance so that a portion of the money would go toward the sports complex.

**George Edsell, 158 Reina del Mar**, stated that, based on what he read in the newspaper, he understood that a contractor had already been picked to do work on a new City Hall and, if so, he felt that was wrong. He stated that it should be open bidding. He stated that the late mayor of San Jose was already repenting not getting competitive bids on one of his projects. He knew the City staff needed a better place to work, but the economic aspects had to be considered, and he saw nothing in the present EIR which mentioned this. He hoped that they would have a highest and best use appraisal by an impartial, certified general appraiser.

**Kathy Long, 304 Olympia Way**, representing the Library Foundation board, thanked the Council and staff for their attention to the report presented about the need for a new and modern library in Pacifica. She encouraged everyone to look at the newer amazing libraries in neighboring cities. She mentioned that copies of the report were in the two libraries, and suggested that everyone take a look.

**Pete Pereira, 16 Ortega Court**, stated that he was still around, and mentioned his previous presentation to the Council on how to un-merge five illegally merged lots. He mentioned that the City Assessor's office gave him five parcel numbers and told him that it was simple for the City to okay them and he would go back to what he had before. He hoped that the City would be fair to him and do something about it.

**Tod Schlesinger, Victoria Way**, asked the City Council when they were going to get revenue from the Linda Mar Beach parking lot. He then mentioned that Mayor DeJarnatt did not represent the public, stating that, when he was running for City Council, he spoke to both the Yes and No on L people.

Mayor DeJarnatt stated that he was welcome to call him at home and he would be happy to talk to him.

**Julia Boyle, 210 Juanita Avenue**, stated that she came to talk about the sewage treatment plant, and stated that she was disturbed when she read the front page of the *Tribune* talking about a green City Hall and new library for \$2 million with Skyfield qualified to do it without a bidding process. She was happy with Skyfield's renovation of Nick's but she didn't think the Beach Boulevard property needed to be a City Hall. She stated that no one was showing up in opposition, and she felt it would be done behind closed doors.

**Therese Dyer, 1408 Crespi Drive**, stated that she was present to thank the Council for asking the City Manager to call her. While he didn't, she did speak to Van Ocampo, and they were having a Crespi Drive meeting on March 14. She then mentioned that she was involved with PIA and was designated to invite Councilmember Hinton to be honored on April 27, asking him to let her know if he was able to attend.

**Jon Campo, 1089 Oddstad Boulevard**, thanked the Council for their efforts. He stated that he was concerned about the proposed development by the North Coast County Water District in the back of Sanchez Canyon above the golf course. He mentioned the various species of plants and animals present on the property, and stated that it was not an appropriate location and he would like to see alternative locations. He also revisited their attempt to build in San Pedro County Park last year, mentioning that it was attempted without a public process or an environmental review. He thought this was a continued problem that needed to be investigated.

Mayor DeJarnatt closed Oral Communications.

#### **PUBLIC HEARINGS:**

5. **Appeal of Planning Commission approval of Coastal Development Permit, CDP-275-06, Site Development Permit, PCD-757-06, Use Permit, UP-965-06, and Tentative (Condominium) Subdivision Map, SUB-211-06, to Develop Property Located at 1567 Beach Boulevard (APN 016-011-190) with Nine (9) Condominium units.**

Planning Director Crabtree presented the staff report.

Mayor DeJarnatt opened the Public Hearing.

**Nancy Merchant, 77 Paloma Avenue**, referenced geotechnical reports, read from the plan's documents stating that the retaining wall was not an extension of the sea wall, then stressed that an EIR was desperately needed. She felt this was a poorly thought out plan, was not affordable housing as implied, and did not conform to Coastal Act policy. She felt Pacifica deserved a well built project which enhanced the sensitive site, then thanked the Council for their consideration.

**Donna Rogers, 77 Paloma Avenue**, was concerned and upset that the project was still being considered by the Council, and felt that many of the underlying issues had not been resolved, commenting on a few specifics, as well as asking why an EIR report was not done at the beginning. She mentioned the "live/work units" on Palmetto praised as an example of this developer's work, and asked why there were only sandbags in front of these units. She then stated that she cared about this planet and was infuriated when people fooled around with Mother Nature to make money. She urged the City Council to deny the foolhardy project.

Mayor DeJarnatt closed the Public Hearing.

Councilmember Hinton moved that the City Council **CONTINUE** the appeal of Planning Commission Approval of Coastal Development Permit, CDP-275-06, Site Development Permit, PCD-757-06, Use Permit, UP-965-06, and Tentative (Condominium) Subdivision Map, SUB-211-06, and Adoption of the Mitigated Negative Declaration to the March 26, 2007 meeting, with the public hearing left open; seconded by Councilmember Lancelle.

Councilmember Hinton stated that the staff report mentioned that the vote at the January 22, 2007 meeting was 5-0 when, in fact, it was 4-1.

**ROLL CALL VOTE:**

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

Noes: Councilmembers: None.

**Motion passed: 5-0.**

**CONSIDERATION**

**6. Acceptance of the Pavement Management Program Budget Option Report for the City of Pacifica.**

City Engineer Ocampo presented the staff report, as well as introducing Associate Civil Engineer DeGuzman who was the person in charge in his division.

Councilmember Digre asked whether they were referring to the fact that the budget report itself had no impact.

City Engineer Ocampo stated that there was no impact because they weren't asking for any budget authority. They would be working with the Council during the budget formulation and would work it out at that point.

Councilmember Lancelle asked about private streets.

City Engineer Ocampo stated that private streets were owned by the homeowners' association, such as Skyridge, where the subdivision took care of the street maintenance, and they were not included in the report.

Mayor DeJarnatt asked if they were including Class C streets as private streets.

City Engineer Ocampo stated that Class C streets didn't have improvements, such as type A streets which had a sidewalk and gutter. As long as they were in the City network of streets they were included in the report. He mentioned that these were the streets falling under the fair or poor category.

Councilmember Hinton asked whether they were keeping the Class C streets operable and not rebuilding them.

City Engineer Ocampo stated that it depended on the scenario, and this report only estimated what they were going to use to repair the pavement with no provision to install proper drainage.

Councilmember Hinton clarified that they were not going to install curbs and gutters.

City Engineer Ocampo stated that they were only doing the base.

Councilmember Hinton stated that the report included First, Second, Third and Fourth Avenue, and he asked if they belonged to the Mobile Park.

City Engineer Ocampo stated that they did but they got included by EIS in the survey, adding that it didn't change the overall PCI condition of the City.

Councilmember Hinton again clarified that they belonged to the Mobile Home Park property, mentioning that Fifth and Sixth Streets were gone. He noticed that Zamora was not included.

City Engineer Ocampo stated that it might be the last entry.

Councilmember Hinton reiterated that it was not there.

City Engineer Ocampo stated that they would make sure it was there.

Councilmember Lancelle asked if the costs indicated in the various scenarios implied that Public Works would be doing the work and asked how it compared.

City Engineer Ocampo stated that it was based on what it would cost to do a construction project with a private contractor because they had the proper equipment and manpower, as well as the expertise.

Councilmember Lancelle asked if the unrestrained scenario one implied that all streets without curb, gutter and sidewalk would get them.

City Engineer Ocampo stated that all the work budgeted with the different scenarios only pertained to the pavement and not sidewalk, curb, gutters or underground pipes.

Councilmember Lancelle stated that, regarding grant funding sources, she thanked City Engineer Ocampo for the CCAG grant, then asked about future opportunities for grant funding, such as Measure A.

City Engineer Ocampo stated that Measure A would kick in during the year 2009, increasing the City's percentage from 20% to 22%. He added that they were anticipating some form of funding with recent laws providing funds. He stated that it was getting difficult to apply for grants because they had certain criteria such as volume of traffic and Pacifica was isolated, but they would be working hard to ensure opportunities to get those grants.

Councilmember Lancelle mentioned that Pacifica residents were paying off the bonds and felt that we were entitled to benefit from that.

City Engineer Ocampo stated that they stressed that Pacifica was sixth largest in population in the county when they did presentations.

Councilmember Lancelle asked about the specific circumstances of other cities regarding funding for paving in their communities.

City Engineer Ocampo stated that it was the same struggle in other communities, especially with the rising cost of petroleum products. However, he stated that other cities were richer than

Pacifica which gave them the ability to do things better than Pacifica. He stated that our pavements also deteriorated much faster because of being next to the ocean.

Councilmember Lancelle asked if six valleys draining into the ocean added to the paving deterioration.

City Engineer Ocampo stated that there was some effect from that.

Mayor DeJarnatt asked if they used grant funding to patch the worst of the Class C streets as well.

City Engineer Ocampo stated that type C streets were within the network of streets but took a lot of improvements and money to bring them to A level. He added that, when the City was incorporated, all the County streets became part of the City network.

Mayor DeJarnatt stated that a lot of them weren't maintained by the County.

City Engineer Ocampo stated that the City's responsibility was to keep the streets at the level at which they were accepted.

There were no public comments.

Mayor pro Tem Vreeland asked if the CCAG money was just this past year.

City Engineer Ocampo stated that the \$896,000 was going to be available around May, and they already had projects earmarked for that.

Mayor pro Tem Vreeland asked if they had gotten additional money from them to do Palmetto.

City Engineer Ocampo stated that the present project was part of another grant funding of \$196,000 and the next batch of \$400,000 would extend the work further north and south into Bella Vista. He explained that they were being done because of the criteria set by CCAG, for a street which was arterial and touching the highway.

Mayor pro Tem Vreeland asked if it was this money or previously received money.

City Engineer Ocampo stated that the money from before was for the work being done now by McDonald's.

Mayor pro Tem Vreeland asked if they had gotten two large grants from CCAG in the past three years.

City Engineer Ocampo stated that they had one on Robert's Road but this \$896,000 would cover portions of Sharp Park Road, Oddstad Boulevard and Terra Nova but they weren't able to do Monterey.

Mayor pro Tem Vreeland stated that he mentioned it because it was hard for us to come by money. He added that his last night to chair CCAG was the next meeting and he felt they needed to make a commitment to be sure that staff had the information to go after the grants. He felt it was important to consistently attend CCAG meetings because, if Pacifica didn't step up for the grants, they would go to other places. He then asked if redevelopment funds would pave these streets if they went through the process with redevelopment west of Highway 1.



City Manager Norton stated that it was eligible for redevelopment funding.

Mayor pro Tem Vreeland reiterated that all the things they were talking about would qualify but not within the district. He mentioned that there was a large deferred maintenance that they needed to address and staff needed to help them work on developing appropriate solutions.

City Engineer Ocampo stated that the pavement management system was software allowing them to provide for different budget scenarios.

Councilmember Hinton stated that Mayor pro Tem Vreeland was correct. When he was on CCAG, he found it ridiculous that all the money was going to the grade separations on El Camino, adding that there was no one representing Pacifica on the technical committee then. He stated that Van Ocampo was selected to represent Pacifica on the technical committee, and mentioned how they got money for the overpass. He then mentioned the Class C street in Rockaway and the city's requirements for the infrastructure there and other locations. He was concerned about taking tax money to build streets for those who didn't have one, mentioning that they had another option to form an assessment district. He mentioned that indications were that the City needed \$10 million to bring the streets up to an acceptable level. He then mentioned that Mr. Ocampo had stated that it would be about 12 times as expensive to rebuild them.

City Engineer Ocampo stated that the cost of reconstruction was 4 to 5 times the cost of an overlay.

Councilmember Hinton was glad he qualified that. He then mentioned a request from someone on Norfolk about their badly deteriorating street, and was told that it was on the list but wouldn't be funded with this year's funding. He then mentioned that the City would be receiving \$3 million in litigation reimbursement, stating that he would like to see the City earmark that money towards the street repair. He mentioned that, if the County did it, they wouldn't get the same product.

Councilmember Lancelle followed up regarding the subdivisions that were built without curbs, gutters and sidewalks, mentioning that it wasn't the city's responsibility and it wouldn't be fair because others paid for that when they bought their homes. She would like to work proactively with the neighborhoods because if they were in, it would be a lot easier to maintain the paving. She asked if curbs, gutters and sidewalks would be a requirement for paving.

City Engineer Ocampo stated that it would not be a requirement, and then briefly explained that it depended on what the community wanted constructed, then propose a plan and estimate and give to the community to find out if they can afford the amount and it would then be assessed.

Councilmember Lancelle felt the neighborhoods should have that opportunity.

Councilmember Hinton clarified that it was an assessment district that allowed them to build curbs and gutters. He added that the subdivisions were required to have a homeowners' association to maintain the streets, relieving the City of that responsibility.

Mayor pro Tem Vreeland moved that the City Council of the City of Pacifica **ACCEPT** the Pavement Management Program Budget Option Report for the City of Pacifica prepared by Engineering Information Services, Incorporated; seconded by Councilmember Hinton.

**ROLL CALL VOTE:**

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

Noes: Councilmembers: None.

**Motion passed: 5-0.**

**7. Repealing of Ordinance Amending Chapter 2 of Title 2 of the Pacifica Municipal Code, Section 2-2.109, to Remove Language of Interval of One Year for Commission Terms.**

PB&R Director Brumm-Merrill presented the staff report.

There were no public comments.

Mayor pro Tem Vreeland moved that the ordinance next in order entitled "An Ordinance of the City Council of the City of Pacifica Amending Chapter 2 of Title 2, Section 2-2.109 of the Pacifica Municipal Code Regarding Terms and Limitations for Commissions" be read by title only and that further reading be waived; seconded by Councilmember Hinton.

Councilmember Hinton clarified that he had not changed his position, but this was only clarifying and cleaning up the language and he would support that.

Councilmember Lancelle stated that she had a change of heart since she voted for this ordinance. She thought that there was a sense of obligation toward someone who served on a commission for a certain length of time and the original ordinance assisted the Council in not succumbing to that. She apologized to the Council, and stated that original ordinance was a wiser choice.

Councilmember Hinton stated that was his feeling and it was unfortunate that Bruce Banco was the subject and he did such a great job. He clarified that the Council could review this and change it back at any time.

**ROLL CALL VOTE:**

Ayes: Councilmembers: Digre, Hinton, Vreeland, and DeJarnatt.

Noes: Councilmembers: Lancelle.

**Motion passed: 4-1.**

Mayor pro Tem Vreeland moved introduction of the ordinance; seconded by Councilmember Digre.

Mayor pro Tem Vreeland stated that he understood what Councilmember Lancelle was saying, adding that any Council could make that decision, but this would give them the flexibility to extend the term.

Councilmember Lancelle agreed that she was persuaded by that initially, but thought about it more and changed her mind.

**ROLL CALL VOTE:**

Ayes: Councilmembers: Digre, Vreeland, and DeJarnatt.

Noes: Councilmembers: Lancelle and Hinton.

**Motion passed: 3-2.**

Mayor DeJarnatt adjourned to the Redevelopment Agency meeting.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: As Amended 4-0; 3/12/07 (*Mayor DeJarnatt absent*)

  
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Pete DeJarnatt, Mayor