#### **MINUTES**

City Council Regular Meeting 2212 Beach Boulevard Pacifica, CA 94044 December 13, 2010

Mayor Digre 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:

PURSUANT TO GOVERNMENT CODE SECTION 54956.8: Conference with Real Property Negotiator, Discussion concerns price and terms of payment. Agency Negotiator Attending Session: Stephen Rhodes. Property 1220 Linda Mar Blvd., Pacifica, California. Negotiating Parties: City of Pacifica and Andrew G. Leone.

Mr. Sifry commented on the closed session agenda and encouraged the Council to get the best deal.

Mayor Digre convened to Closed Session.

Mayor Digre reconvened the meeting at 7:05 p.m.

Present:

Councilmembers:

Lancelle, Vreeland, Nihart and Digre.

Excused:

Councilmembers:

None.

Staff Present:

Steve Rhodes, City Manager; Cecilia Quick, City Attorney; Van Ocampo, Deputy Director Public Works/City Engineer; Maria Aguilar, Associate Engineer; Lee Diaz, Associate Planner; Jim Saunders, Police Chief; Jim Tasa, Police Captain; Fernando Realyvasquez, Police Captain; Dave Bertini, Police Captain; Ron Myers, Fire Chief; Rich Johnson, Deputy Fire Chief; Aren Clark,

Public Works Superintendent; Kathy O'Connell, City Clerk.

Councilmember Lancelle led the Salute to the Flag.

Commission Liaison:

Commissioner Evans.

Chamber Liaison:

None.

#### **CLOSED SESSION:**

City Attorney Quick stated that the Council took no reportable action in Closed Session.

#### **CONSENT CALENDAR:**

Mayor pro Tem Nihart moved approval of the Consent Calendar, as amended, as follows: Approval of disbursements dated 11/15/10 to 11/19/10 in the amount of \$485,650.18, regular and quick checks numbered 81913 to 81915 and 11307 to 11478; and disbursements dated 11/29/10 to 12/03/10 in the amount of \$589,251.64, regular and quick checks numbered 81916 to 81919, as set forth in Item #1; Approval of Minutes of regular City Council meeting of November 22, 2010, as set forth in Item #2; Authorization of Purchase of \$76,997.64 for ATV Ranger, Hose and Tools and Equipment [\$60,706 From Fund 8 – Fire Assessment Fund (Small Equipment 08.860630.52304.0000.000), \$12,431.00 from Miscellaneous Revenue – Donations

920000.48928 and \$3,860.54 from Fire Department General Fund - Departmental Expenses 01.6000630-52300], as set forth in Item #3; Authorization of Award of Contract to Stoloski & Gonzalez, Inc., in the Amount of \$101,210 for the Collection System Projects: Sanitary Sewer Mainline Replacement at Avalon Drive and Edgemar Avenue [Sewer Facility Construction Fund 34. Account No. 34.9000000.52800.C005.000 - Collection System], as set forth in Item #4; Adoption of Notice of Completion for the Various Federal-Aid Street Pavement Rehabilitation Project, as set forth in Item #5; Adoption of Amendment to Resolution No. 51-2009 to Extend the Financing City Services Task Force, as set forth in Item #6; Adoption of Amendment to Resolution No. 79-2009 to Extend the Green Building Task Force, as set forth in Item #7; Authorization of Award of Three Year Contracts to Go Native, Inc. i) for the Implementation of the Habitat Management Plan for Depressional Wetlands Areas Designated as Snake Habitat in the Amount of \$34,295; ii) for the Management of Cape Ivy Infestation in the Upper Section of Calera Creek in the Amount of \$39,000; and iii) for the Invasive Non-Native Plant Control for the Calera Creek Riparian Corridor and Immediate Areas in the Amount of \$41,550 [Sewer Facility Construction Fund 34, Account No. 34.9000000.52800.P011.000 - Calera Creek Wetland Compliance, as set forth in Item #8, moved to Consideration as Item #22; Adoption of an ordinance entitled, "An Ordinance of the City of Pacifica Adding Chapter 21 to Title 8 of the Pacifica Municipal Code to Require Green Building Measures for Construction Project" Second Reading, as set forth in Item #9; Approval of Purchase of 2011 Isuzu Box Truck from Tom's Truck Center in the Amount of \$52,860.19 and Approval of Additional Budget Authority from the Vehicle Replacement Fund 72 Reserve to Account #72-92-0760-55110-0000-000, as set forth in Item #10; Approval of Cancellation of December 27, 2010 City Council Meeting, as set forth in Item #11; Authorization to Enter into Change Order No. 3 in the Amount of \$91,800 with RMC Water and Environment (RMC) for the City of Pacifica Wastewater Collection System Master Plan [Sewer Facility Construction Fund 34, Account No. 34.9000000.52800.C007.000 -Sewer System Master Plan], as set forth in Item #12; Approval of Continuance of Proclamation Confirming Existence of Local Emergency, as set forth in Item #13; Adoption of Notice of Completion for the Collection System Projects: Sanitary Sewer Mainline Replacement at Lewis Lane, as set forth in Item #14; Authorization to Advertise for Sealed Bids to Purchase a New Centrifuge Unit and Its Appurtenances for the Calera Creek Water Recycling Plant, as set forth in Item #15; Authorization to Reject All Bids Received and Direct Staff to Modify Design and Authorize Staff to Re-Advertise for Sealed Bids for the Department of Public Works Corporation Yard Roof Repair Project, as set forth in Item #16; Adoption of the California Emergency Management Agency (CALEMA) Federal Emergency Management Agency (FEMA) Universal Authorized Agent Resolution Form 130 to facilitate the City's Disaster Project Program, as set forth in Item #17; Authorization for Contract for Employment of James Saunders as Interim Police Chief, as set forth in Item #18, moved to Consideration as Item #23; seconded by Councilmember Lancelle.

#### **ROLL CALL VOTE:**

Aves: Councilmembers: Lancelle, Vreeland, Nihart and Digre.

Noes: Councilmembers: None.

Motion carried: 4-0.

Mayor pro Tem Nihart thanked the Fire Department for their efforts in fundraising to make up the difference in the fire fund. She felt this was a truly collaborative effort.

Mayor Digre mentioned thwarting the theft of her purse, adding that she did break her shoulder and she would be depending on Mayor pro Tem Nihart to push the buttons.

## **SPECIAL PRESENTATION:**

Mayor Digre read a proclamation honoring B. J. Nathanson for her service on the Planning Commission and dedication to the community.

B. J. Nathanson thanked the various Councilmembers who appointed her on the Commission. She then explained her resignation comments at the Planning Commission which included a quote from Martin Luther King. She expressed her concerns about the future efforts to "save our community," asking that we make the right choice to work together to create a miracle.

Councilmember Lancelle stated that she was disappointed and saddened at Commissioner Nathanson leaving the Planning Commission, although she understood when "enough is enough." She appreciated her words and trusted that she would share her guidance in whatever way suits her by taking a leadership role in the community.

Mayor pro Tem Nihart thanked her for her service and contribution, which included other venues, such as PB&R, etc., besides the Planning Commission.

Councilmember Vreeland stated that he was saddened when he saw the article in the paper. He mentioned the first time he saw her was when he was on the Planning Commission. He felt she had been consistently fair and honest and involved in the process from a positive standpoint. He could understand, as mentioned by Councilmember Lancelle, that sometimes enough is enough. He looked forward to working on projects with her in the future, adding that she will be missed on the Planning Commission.

Mayor Digre thought she would stay involved and they were looking forward to her continuing to contribute.

Mayor Digre read a proclamation honoring Police Chief Saunders upon his retirement.

Police Chief Saunders thanked them for the recognition. He stated that it has been a "very good ride." He has enjoyed working with everyone. He acknowledged his wife for being there for the entire ride through thick and thin.

Mayor Digre also thanked his wife for her service.

Mayor pro Tem Nihart thanked the Chief, not only for the service by him and his wife, but for providing leadership in the county. She appreciated that he would continue to lead the City in other cost saving measures.

Councilmember Vreeland thanked him, adding that he has always been there and allowed him to call with questions. He thanked him for helping them through this transition period, adding that his leadership was invaluable through this transition period. He asked him when he joined the force.

Councilmember Lancelle stated that it was 1981.

Councilmember Vreeland shared the fact that he was graduating from high school in 1981.

Police Chief Saunders commented that, in giving his history when he took over as Chief, he mentioned his college years and he could see some police officers' eyes indicating that they weren't even around then.

Mayor Digre commented on his expression of appreciation to his wife and the police department, adding that she was looking forward to seeing him involved.

Councilmember Lancelle expressed her gratitude, especially for his work on the Partnership for a Safe and Healthy Pacifica, adding that the entire police department has been supportive.

Mayor Digre read a proclamation honoring Planning Director Crabtree upon his retirement. Since he was not present, she then read his message expressing his gratitude for the opportunity to work for such a wonderful city and that he cherished the friends he has made over the years.

Councilmember Lancelle stated that, since she moved here in 1986, she has known Michael Crabtree and has felt that his character was solid. She explained that he would always listen patiently to members of various committees and commissions expressing their ideas and he would gently point out when they swayed from their prescribed task. She felt he was fair and unbiased when clarifying the parameters of a process without making exceptions. She felt he would be greatly missed and difficult to replace, and they have all benefitted from him.

Mayor Digre felt that Councilmember Lancelle had stated it so well. She felt integrity was a shining word, mentioning that he always gave her a full story with everyone's point of view. She felt he would be missed and had put his stamp on this City.

Mayor Digre read a proclamation honoring the Terra Nova football team for winning the CCS Division 3 title by declaring the week of December 13-17 as Terra Nova High School Football Week.

Coach Bill Gray expressed gratitude for this honor, then introduced the team members and coaches present. He stated that it was a collaborative effort. He mentioned that they just missed being part of the state championship game, and stated that they have set a goal of making it to that state championship game. He thanked the entire City of Pacifica, which had a little town feel and was a wonderful place in which to coach and play. He stated that they brought all the Councilmember members championship T-shirts.

Mayor pro Tem Nihart congratulated them, adding that she knew he was present at a Council meeting before, but she felt this makes adults stop and think once in a while. She stated that she was an Iowa Hawkeye and the colors work for her.

Mayor Digre thanked them for their teamwork, and expressed appreciation that they were academic as well.

Councilmember Lancelle encouraged the public to go to the Friday night games at Terra Nova, stating that the field was fantastic. She stated that, with the elementary schools having a band program through the Rob Schneider Foundation, the Terra Nova band was fantastic.

#### **PUBLIC HEARINGS:**

19. Adoption of an Interim Ordinance Adopting a Citywide Moratorium Temporarily Prohibiting New PayDay Lenders Pending Further Study.

Associate Planner Diaz presented the staff report.

Mayor Digre opened the Public Hearing.

Tim Lohrentz, Oakland, stated he was a researcher for the Insight Center for Community Economic Development in Oakland and they have been working on this issue. He encouraged the Council to pass the moratorium and give them time to study and pass an ordinance limiting the location of PayDay Lenders. He stated that their center was available to Pacifica for information and research. He mentioned that Pacifica had the highest density of PayDay Lenders per capita in the County and that was a good reason for a moratorium. He felt this could protect the city and residents from potential blight or crime, adding that the fees charged were also leaving the city. He felt that, if the lenders were truly providing a service, it would behoove them to lower the interest rates from the 459% APR or extend the payback period; however, they chose not to do that.

Anita Rees, Pacifica Resource Center, thanked the Council for considering the moratorium and looking at PayDay Lenders. She explained that most citizens used this service for basic needs and then got caught up in a cycle of debt which can cost them \$1,200 a year or 359% interest. She felt that they also needed to develop alternatives with lower fees, longer repayment periods, and ideally a savings component to eliminate the need for loans in the future. She stated that the Resource Center was willing to work with PayDay Lenders or banks to offer a product to help consumers meet their needs without putting them further into debt.

Mayor Digre closed the Public Hearing.

Councilmember Lancelle appreciated the Resource Center informing them about the impact of these companies on our community. She was surprised when she first heard about it and understood how it deteriorates the financial stability of families already struggling. She stated that they portrayed themselves as helping but it was not effective budgeting. She appreciated the work of the Resource Center in providing financial counseling to families to make it possible for them to set up a balanced budget. She hoped the Resource Center would be able to partner with banks in the community to discuss other kinds of mechanisms for assisting families without the credit scores required by banks for loans. She supported the moratorium to give them that opportunity.

Mayor pro Tem Nihart had a slightly different issue, although she agreed with what Councilmember Lancelle said. Her concern was for economic development in Pacifica, and knowing that Pacifica was the San Mateo County capital for payday loans was not where she wanted to be. She didn't want a set of PayDay Lenders along with other similar businesses in one spot in town. She stressed that they were not restricting an individual's choice when they needed quick money, but to have a lot of these, there was an element that went along with them, which was not the image they wanted to project. She appreciated the work of staff on this.

Councilmember Vreeland moved that the City Council read the attached ordinance entitled "An Interim Ordinance of the City Council of the City of Pacifica, Adopting a Citywide Moratorium on Payday Lender Facilities and Declaring the Urgency Thereof: by title only and waive reading beyond the title, and adopt the ordinance; seconded by Mayor pro Tem Nihart.

Mayor Digre stated that, prior to this payday situation, the Pacifica Resource Center had already started helping families learn to budget.

#### **ROLL CALL VOTE:**

Ayes: Councilmembers: Lancelle, Vreeland, Nihart and Digre.

Noes: Councilmembers: None.

Motion passed: 4-0.

#### **COUNCIL COMMUNICATIONS:**

Mayor pro Tem Nihart attended the reorganization of the school board last week for the swearing in of Richard Faust, the new school board member and their saying goodbye to Karen Irvin, and she congratulated Eileen Manning-Villar as the new school board President and Cynthia Kaufman as Vice President. She looked forward to a continued relationship. She attended the San Mateo County Association of Realtors for the swearing in of Sue Vatterlaus as President for the coming year. She was proud of our City and realtors and congratulated Sue Vatterlaus. She felt that she has been a great asset on Financing City Services and Economic Development, and was sure she will have a great year with SMCAR.

Councilmember Vreeland congratulated the Pacifica Land Trust on the "get your own Charlie Brown Christmas tree" by residents taking out non-native trees on the Pedro Point Headlands, as well as allowing them to have an opportunity to get a tree and give a small donation.

Councilmember Lancelle attended the City County Association of Governments meeting on Thursday, and there were several presentations, such as on global warming. She recommended being on this board, stating that it was a very collaborative process, primarily focused on transportation issues. She referred to the Safe Routes to School program, stating that it would now be overseen by the County Office of Education. She also encouraged the City to put a request out to the community asking bike riders to participate on the City's bicycle committee.

Mayor Digre stated that they would love to expand it and were looking for volunteers.

Councilmember Lancelle stated that it could include the representatives on the school district's Safe Routes to School committee.

Mayor pro Tem Nihart stated that she was on the legislative committee for CCAG, and the top five priorities for next year, legislatively, have to do with securing local funding, such as protecting redevelopment funds, local causes, etc. She was not at the last meeting but thought they were adopted.

Councilmember Lancelle was present and confirmed that the legislative priorities were adopted.

Mayor pro Tem Nihart stated that PB&R outdid themselves with an outstanding tree lighting, arts & crafts events, etc., and she thanked all of them.

Mayor Digre agreed, stating that it was a very enjoyable evening. The three trees lit up, and the singers were wonderful. She encouraged people who have never attended to attend next year. She attended the Airport Commission Study, mentioning that there was a year-long study going on, and they are assuming that they will come up with an intelligent and reasonable plan to help the residents in Fairmont. She also attended the Historical Society's Castle event and she was happy to see lots of networking going on, and was encouraged that new people would be helping with the Little Brown Church and the train car. She mentioned that the Council's reorganization meeting was the following Wednesday, with a "changing of the guards."

## **ORAL COMMUNICATIONS**

Mayor Digre opened Oral Communications.

Theresa Dyer, 1408 Crespi Drive, acknowledged the hard work of the members of Beta Sigma Phi, including various Christmas donations which were from donations received during the Fog Fest. She then asked Councilmember Vreeland to resign because he has violated so many professional building codes and she didn't think he should take the oath.

Mayor Digre asked the City Attorney if she needed to interrupt her.

City Attorney Quick stated that she was allowed to make these kinds of statements.

Mayor Digre stated that she was checking on her duties.

Ms. Dyer reiterated that she was asking him to step down because anyone who takes an oath and then violates the building and professional codes was not qualified to be a City Councilmember and she planned to report this to the Department of Justice.

Mayor Digre thanked her Beta Sigma Phi members for their charity, and as a military mom she appreciated what they did for all military service personnel.

Councilmember Lancelle stated that the directions regarding Oral Communications pointed out that "all remarks shall be addressed to the Council as a body and not to any member thereof." She asked if that was not part of the way it worked.

City Attorney Quick responded that it was to prevent entering into a one-on-one dialogue.

Michael Vasey, 368 San Pedro Avenue, stated that, as a land trust member, he thanked everyone coming out on Sunday for removal of the pines taking over grassland and shrubland habitat which was a valuable thing to do. He thanked the community for supporting that and thanked Councilmember Vreeland for his comments. He then referred to Michael Crabtree's retirement and Councilmember Lancelle's retirement, and stated that he appreciated both of them over the years. He worked with Julie Lancelle on the Open Space Committee, with Michael Crabtree was the City representative. He felt Michael did a fantastic job in getting the committee organized, and as a result, they succeeded in getting a land trust in Pacifica which had made great contributions to the community. He felt it was an end of an era of an all-female City Council.

Anita Rees, Pacifica Resource Center, gave an update on the Resource Center activities, specifically Adopt a Family Holiday program and free tax preparation services. She also thanked those who attended the Pacifica Islanders winter bowl on Saturday.

Mayor Digre thanked her for saying the words rather than just PRC.

Bernie Sifry, Pacifica, stated that he had heard the Secretary of State certified the election, stating that term limits was now the law, and he reminded the two incumbents and the one new member that they have 88 sessions to attend to Council business and take care of things. He suggested that, if a Councilmember is absent, the member should not be reimbursed. He stated that they want full attendance if at all possible. He stated that the issue of TOT was passed and was the first step in the financial plan worked out by the City. He stated that the people have

spoken, and we may or may not like the results. He then reminded the Councilmembers to get the job of the City done and get the best contracts out of it.

Mayor Digre closed Oral Communications.

Mayor Digre stated that she had one item she forgot about during Council Communications and asked if she could say it now.

City Attorney Quick stated that Council Communications was closed, but if the Council wished to reopen it, they can authorize it.

Mayor Digre asked the members who indicated their approval, and stated she would make it short. She stated that the youth in Pacifica were meeting and had established an e-mail system. Nicole from the PB&R had the information, and they were encouraged to let all the youth of Pacifica know.

#### CONSIDERATION

20. Approve Purchase of Street Lights from Heritage Casting & Ironworks (HCI) in the Amount of \$109,250. No Budget Authority is Necessary as Enough Funds Had Been Previously Budgeted with the Adoption of the FY 2010-2011 Budget in the General Capital Improvement Fund Account No. 22.9000000.52800.0216.006.

Dir. of Public Works Ocampo introduced Public Works Superintendent Clark.

Public Works Supt. Clark presented the staff report.

Mayor pro Tem Nihart stated that she just realized that these were on Palmetto and she must recuse herself from this item.

Councilmember Lancelle asked about the ability of the lights to withstand the climate.

Public Works Supt. Clark stated that they made it clear to all the bidding companies with a set of criteria for all stainless steel fasteners, etc., and they were aware of the environment. He added that we have always had problems with lights, and he could not say that there would not be corrosion problems. He acknowledged that there might be a better product out there, but it would be substantially more expensive. He stated that they had experimented in Rockaway with precast concrete which were supposed to last a lifetime and they had just replaced some there, adding that one of those poles alone cost more than this entire light fixture.

Councilmember Lancelle thought it was good that they were getting these. She appreciated the thoroughness, adding that he did a good job.

Dir. of Public Works Ocampo added that Aren Clark, on his own time, went to various places to check up on the lights currently installed there.

Public Works Supt. Clark stated that Mare Island uses the same company and have had good luck. He also met with the purchaser at the college in Mare Island and he has been happy with it.

Councilmember Lancelle thanked him for being so thorough. She asked if there was maintenance as part of it.

Public Works Supt. Clark stated that the City did all the streetlight maintenance themselves.

Dir. of Public Works Ocampo stated that, if they would like, the sample at the back of the room can be plugged in and they can see how it was illuminated.

Public Works Supt. Clark added that the LED light was a different type of light and was broader whereas the current lights tended to focus on one spot. With LED, you can create a more lit environment without it looking bright and blocking out the stars.

There were no public comments.

Councilmember Vreeland thanked Public Works Supt. Clark for doing the extra stuff in looking for the right lights. He asked how far the 50 lights cover.

Dir. of Public Works Ocampo stated that it was from Paloma to the old treatment plant.

Councilmember Vreeland asked if this was the main focus by the committee to increase streetlights and enhance them.

Dir. of Public Works Ocampo stated that it was a combination of both increasing streetlights and reducing the consumption because of using LED instead of incandescent lights.

Councilmember Vreeland asked if it was reducing the energy consumption of the lights themselves.

Dir. of Public Works Ocampo responded affirmatively.

Councilmember Vreeland moved to approve the purchase order for fifty (50) pieces of the ornamental/decorative LED streetlights from Heritage Casting & Ironworks; authorize the City Manager to sign the purchase agreement; seconded by Councilmember Lancelle.

Councilmember Lancelle looked forward to seeing them, as the first step in the revitalization of Palmetto.

#### ROLL CALL VOTE:

Ayes: Councilmembers: Lancelle, Vreeland and Digre.

Noes: Councilmembers: None. Abstain: Mayor pro Tem Nihart.

# Motion passed: 3-0-1.

Mayor pro Tem Nihart returned to the dais.

21. Appointments to be Considered by the City Selection and by the San Mateo County Council of Cities.

City Clerk O'Connell stated that Mayor Digre pretty much gave the staff report and she suggested that she go through the agenda of numbered items and discuss among themselves the names they would direct the Mayor or the proxy to vote on.

Councilmember Vreeland asked who would be attending the meeting on Friday. He then suggested that they focus on #5 and #11 unless they have contested issues about the other members.

Councilmember Vreeland recommended Councilmember Carol <u>Matamoto Matsumoto</u> be selected for San Mateo County Transportation District representative to the Transportation Authority; seconded by Councilmember Lancelle.

#### ROLL CALL VOTE:

Ayes: Councilmembers: Lancelle, Vreeland, Nihart and Digre.

Noes: Councilmembers: None.

Motion passed: 4-0.

Councilmember Vreeland recommended Councilmember Dave Tanner be recommended for the alternate seat for LAFCO.

Councilmember Lancelle stated that she knew Rich, who was locally near them. She met Dave a couple of times, but she felt, on looking at Rich's other committees which were related to land use, he seemed like a better fit.

Councilmember Lancelle moved to select Rich Gabardino; seconded by Mayor pro Tem Nihart.

#### **ROLL CALL VOTE:**

Ayes: Councilmembers: Lancelle, Vreeland, Nihart and Digre.

Noes: Councilmembers: None.

Motion passed: 4-0.

22. Authorize Award of Three Year Contracts to Go Native, Inc., i) for the Implementation of the Habitat Management Plan for Depressional Wetlands Areas Designated as Snake Habitat in the Amount of \$34,295; ii) for the Management of Cape Ivy Infestation in the Upper Section of Calera Creek in the Amount of \$39,000; and iii) for the Invasive Non-Native Plant Control for the Calera Creek Riparian Corridor and Immediate Areas in the Amount of \$41,550 [Sewer Facility Construction Fund 34, Account No. 34.9000000.52800.P011.000 – Calera Creek Wetland Compliance.

Assoc. Engr. Aguilar presented the staff report.

Mayor Digre opened public comments.

Bernie Sifry, Pacifica, read from the agenda item, and asked why this contract was not put out to bid. While this company already did work for the City, he felt that it should go out to bid for the best price since this was new work. He also referred to the expressed sentiment of spending money in Pacifica and then asked why we weren't spending money in Pacifica. He reiterated that his objection was that he felt it should be put out to bid.

Theresa Dyer, 1408 Crespi Drive, stated that she agreed with Mr. Sifry. She felt that, with all the unemployed people, the city should put it out to bid to unemployed individuals and give them a chance.

Mayor Digre closed public comments.

Councilmember Vreeland asked the City Attorney if she had concerns about how this contract was bid.

City Attorney Quick stated that she did not, explaining that the term bid was generally considered a term of art and, under the California state public contract code, it is referring to things that are usually a physical improvement such as concrete, roads, buildings and things of that nature, and this did not fall within that definition.

Councilmember Vreeland asked if she had any concerns about the selection process staff followed to recommend hiring this contractor.

City Attorney Quick stated that she did not see any legal issues when she discussed it with staff.

Councilmember Vreeland asked if Go Native had done good work for the City.

Assoc. Engr. Aguilar stated that they have. She added that they had done some maintenance on our restoration in the past, but it was not a thorough one because of the City's limited funds, and that was why they were going forward now with a three-year contract. In the contract, the costs go down for the second and third year, and they wanted to make sure it was a thorough job for the next three years. They hope that, after the third year, it won't cost as much and will be easier.

Councilmember Vreeland asked if they did the work at the San Pedro Creek restoration project, flood control project and the work for Caltrans in the Devil's Slide project.

Assoc. Engr. Aguilar responded affirmatively. She added that they have also done work for the GGNRA. She knows that they have been working for the City since she began working for the City ten years ago but she thought they had been working for the City for longer than that.

Councilmember Vreeland asked if they rent space in the greenhouse on Linda Mar Blvd. as well.

Assoc. Engr. Aguilar responded affirmatively.

Councilmember Vreeland reiterated that they actually rent local space as they are doing business in the City.

Assoc. Engr. Aguilar added that they also have a business license for the City of Pacifica.

Councilmember Vreeland asked how much it would cost in staff time for the City to go through a full RFP process for this type of work where legal and staff both have to look at it, including bids in the paper. He asked what the actual cost would be.

City Manager Rhodes stated that he had not worked up numbers.

Assoc. Engr. Aguilar stated that it costs around \$600 to \$800 just to advertise and they have to give them two weeks. Once they receive the proposals, staff has to go through and review their proposals, with a panel, etc.

Councilmember Vreeland asked if it was a fair amount of effort to go through the selection process.

Assoc. Engr. Aguilar responded that it was.

Councilmember Vreeland stated he has worked with Go Native a number of times, adding that the work they have done was pretty good. He thought staff's recommendation was consistent with what he has seen. With those facts, he asked the City Attorney if there were any legal concerns.

City Attorney Quick stated that there were none.

Councilmember Vreeland stated that he could make a motion or wait.

Mayor pro Tem Nihart asked if Go Native helped install the plants to begin with.

Assoc. Engr. Aguilar responded affirmatively.

Mayor pro Tem Nihart assumed they know the riparian area and the creek, and we were doing maintenance on what was already installed.

Assoc. Engr. Aguilar responded affirmatively.

Mayor pro Tem Nihart stated that this was our outfall, and asked clarification that, instead of having a pipe in the ocean, we need to maintain the integrity of the creek and part of it was making sure it didn't get backed up, etc.

Assoc. Engr. Aguilar stated that she was correct.

Mayor pro Tem Nihart clarified that the maintenance was at the core of the wetlands and they were maintaining their product.

Assoc. Engr. Aguilar responded affirmatively.

Councilmember Lancelle stated that, on the surface, it may seem like a gardening project but it actually involved a species habitat and had to be handled in a particular way. She appreciated the comments of the speakers and where they were coming from, but given the explanation from the City Attorney and the fact that it was a specialty, she felt it was critical that it be done right. She didn't think you could bring in a gardener to do it because of all the parameters and requirements, and this company was an expert in that field which was demonstrated by the work they did with a number of agencies. She was comfortable with it, although she was responsive to the issues raised by the speakers.

Councilmember Vreeland agreed, adding that under normal circumstances he would err on the side of doing a full bid package, but he felt this was different. He asked if the maintenance was part of the permit requirement as well.

Assoc. Engr. Aguilar agreed, adding that she was going to mention that they would be having all the permitting agencies coming in 2011 and talk about more of the restoration projects, such as the snake ponds.

Councilmember Vreeland reiterated that the maintenance of the snake ponds and the riparian area was part of the permit and this gets them ahead of the regulatory agencies causing any issues down the road.

Assoc. Engr. Aguilar responded affirmatively.

Councilmember Lancelle moved that the City of Pacifica award three contracts to Go Native, Inc., i) for the implementation of the Habitat Management Plan for Depressional Wetlands Areas Designated as Snake Habitat in the amount of \$34,295; ii) for the management of Cape Ivy infestation in the upper section of Calera Creek in the amount of \$39,000; and iii) for the invasive non-native plant control for the Calera Creek Riparian Corridor and immediate areas in the amount of \$41,550 [Sewer Facility Construction Fund 34, Account No. 34.000000.52800.P011.000 – Calera Creek Wetland Compliance; move that they authorize the City Manager to enter into the attached agreements with Go Native for the implementation of the Habitat Management Plan, for the management of Cape Ivy infestation in the upper section of Calera Creek and for the invasive non-native plant control for the Calera Creek Riparian Corridor and immediate areas; seconded by Mayor pro Tem Nihart.

Mayor pro Tem Nihart thanked Assoc. Engr. Aguilar for bringing this forward and for attending to the creek and getting a deal by extending the contract. She also appreciated the comments and intent of the comments from the speaker, although she knew that, when dealing with regulatory agencies and being required to meet certain standards, it sometimes would cost more to do something other than the maintenance, giving the example of a new IT person working on a computer under warrantee.

Mayor Digre thanked everyone. She recalled that this company was vetted years ago, and she felt comfortable.

## **ROLL CALL VOTE:**

Ayes: Councilmembers: Lancelle, Vreeland, Nihart and Digre.

Noes: Councilmembers: None.

Motion passed: 4-0.

# 23. Contract for Employment of James Saunders as Interim Police Chief.

City Manager Rhodes presented the staff report.

Mayor Digre opened public comments.

Theresa Dyer, 1408 Crespi Drive, stated that she opposed this contract because he knew he was going to retire six months ago and they could have searched for a new police chief during that time. She also thought they might be able to select a Captain from within.

She read a letter to the Editor by Bill Shinn which mentioned that he had discussed with the Police Chief ways to save the City money. He then mentioned the police department's budget. He also described a California city which was using surveillance cameras. She concluded that this was an excellent article and she also felt a Captain could take his place.

Mayor Digre closed public comments.

Mayor pro Tem Nihart again felt the intent of the speaker was very good. She stated that the issue was that the dispatch consolidation, which would save the City money, was already in process. She added that the chief was the lead person in the County to drive it forward. She felt it was bigger than his job here. She pointed out that the contract was for no more than 80 hours a month or less than half time.

City Manager Rhodes agreed that it was half time.

Mayor pro Tem Nihart felt that his willingness to finish the dispatch agreement was a positive thing for her. She read that article same article, and she checked on the transition process that the California city went through. She thought it appeared to be an easy thing on the surface, but it took a lot of time and effort. She agreed that they were all struggling to find good answers that were relatively quick. For this particular city, the service was a modest amount, but the actual transition and maintenance and legal fees to make that kind of thing work were phenomenal. She challenged the speaker to take a closer look at that, along with looking at all the different ways to be more efficient.

City Manager Rhodes stated that the letter was incorrect. He stated that the first statement was that Pacifica had a budget of \$100 million a year and \$33 million in property tax revenue. He clarified that the City gets \$8 million in property tax revenue. He stated that, if you take \$100 million as a budget and state the police get 35-40%, that was \$35-40 million, but our police budget was around \$9 million. He stated that he was with a fire department individual when looking at the article, which stated that the fire department had a budget of \$20 million a year, but it was actually one-quarter of that amount. He stated that assumptions drawn from those numbers were misleading in terms of the true situation in the City. He also clarified that they were not keeping the Chief over to do the recruitment, but rather to decide what the department was going to be when they start the recruitment. He reminded them that the Council suggested they look at their options because they might not have a Police Chief but may contract it out. He also felt they had a situation with qualified individuals within the department for the position of Chief, but it was often difficult to single out one to be interim Chief during the process. He felt the most important fact was that the Chief can be unbiased in helping them look at all options.

Mayor pro Tem Nihart moved to authorize the City Manager to execute the Agreement for Temporary Services with James Saunders for the position of interim Police Chief; seconded by Councilmember Lancelle.

Councilmember Lancelle thanked Mayor pro Tem Nihart for doing the research on that letter to the Editor and providing the Council with the background. She also thanked the City Manager for doing the same thing. She felt it was challenging to make important decisions when letters to the Editor get written and are sometimes taken as fact. She felt we have to question what we read, particularly with opinion pieces.

Mayor pro Tem Nihart thanked the City Manager, stating that she read the numbers and skipped right over them because they were so out of line with what was going on in the City, which was operating with a \$23 million total budget.

Councilmember Lancelle appreciated, when people read things like that, that they come forward and ask about them, to allow them to talk about it and have the opportunity to straighten it out.

# **ROLL CALL VOTE:**

Ayes: Councilmembers: Lancelle, Vreeland, Nihart and Digre.

Noes: Councilmembers: None.

Motion passed: 4-0.

Mayor pro Tem Nihart mentioned the loss of Richard Holbrooke.

Councilmember Lancelle asked if he had passed.

Mayor Digre felt he would be sorely missed. She again mentioned that at the meeting on Wednesday they would have a changing of the guards with the new councilperson as well as coffee and cake, and added a Merry Christmas and Happy Holidays to everyone.

Mayor Digre adjourned the meeting at 8:55 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: As Amended; 4-0; 1/10/11 Councilmember Vreeland absent

City Council meeting 15 December 13, 2010