#### **MINUTES**

City Council Regular Meeting 2212 Beach Boulevard Pacifica, CA 94044 November 22, 2010

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

- 1. 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.
- 2. PURSUANT TO GOVERNMENT CODE SECTION 54957.6: Conference with labor negotiator. Agency negotiator: Ann Ritzma. Employee organization: Police Management Teamsters Local 350.
- 3. PURSUANT TO GOVERNMENT CODE SECTION 54956.0(a): Conference with legal counsel pending litigation, <u>Emde v. City of Pacifica</u>, San Mateo Superior Court Case #CIV494710.

Mayor Digre convened to Closed Session.

Mayor Digre reconvened the meeting at 7:10 p.m.

Present:

Councilmembers:

Lancelle, DeJarnatt, Nihart and Digre.

Excused:

Councilmembers:

Vreeland.

Staff Present:

Steve Rhodes, City Manager; Michelle Kenyon, Acting City Attorney; Ann Ritzma, Administrative Services Director; Lee Diaz, Associate Planner; Christina Horrisberger, Assistant Planner; Dave Rogers, Associate Civil Engineer; Jim Saunders, Police Chief; Fernando Realyvasquez, Police Captain; Jim Tasa, Police

Captain; Kathy O'Connell, City Clerk.

Councilmember DeJarnatt led the Salute to the Flag.

Commission Liaison:

Planning Commissioner Evans

Chamber Liaison:

None.

### **CLOSED SESSION:**

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

Mayor Digre wished everyone a happy Thanksgiving and asked that we remember all Americans in harm's way protecting our freedom.

### **CONSENT CALENDAR:**

Councilmember DeJarnatt moved approval of the Consent Calendar, as amended, as follows: Approval of disbursements dated 10/28/10 to 11/12/10 in the amount of \$760,928.48, regular and quick checks numbered 11155 to 11306, as set forth in Item #1; Approval of Minutes of regular City Council meeting of November 8, 2010, as set forth in Item #2; Reject All Bids for the 2010 Cal EMA 400 Esplanade Storm Drain Outfall Project and Authorize Staff to Re-Advertise the 2010 Cal EMA 400 Esplanade Storm Drain Outfall Project, as set forth in Item #3; Adoption of Most Recent Edition of California Building Standards Code Second Reading, as set forth in Item #4; Adoption to Amend Parking Fines for Municipal and State Parking Violations that are Imposed by the City of Pacifica, as set forth in Item #5; Approval of Revised Job Description for the Position of Planning Director, as set forth in Item #6; Approval of the Job Description and Salary Range for the Position of Waste Water Treatment Plant – Operator II – Source Control Inspector, as set forth in Item #7; seconded by Councilmember Lancelle.

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

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

Noes: Councilmembers: None.

Motion carried: 4-0.

### SPECIAL PRESENTATION:

Mayor Digre read a proclamation of excellence in recognition of POPS (Preserve Our Pier Supporters) 10<sup>th</sup> anniversary.

Anna Boothe, Pacifica, accepted the proclamation, thanking everyone involved in helping them, and gave a brief history of POPS.

### **PUBLIC HEARINGS:**

8. Introduction of a Green Building Ordinance, Adding Chapter 21 to Title 8 of the Pacifica Municipal Code Establishing Requirements for Implementation of Green Building Measures for City-Sponsored, Mixed-Use, Non-Residential and Residential Construction Projects, and Review of the Associated Climate Zone 3, Energy Cost-Effectiveness Study Prepared by Gabel and Associates LLC, and Dated July 19, 2010.

Assistant Planner Horrisberger presented the staff report.

**Barbara Arrietta, Pacifica**, stated that she was Chair of the Green Building Task Force and introduced five other members of the Task Force in attendance. She briefly commented on future expected environmental changes and impacts and explained what the ordinance was and what it will accomplish. She then asked the members if any of them would like to add to what she said.

Mayor Digre felt it was very comprehensive.

Ann Edminster, Pacifica, member of the Task Force and a green building architect, stated that it was comprehensive, adding only that they looked at many existing ordinances and what they proposed was what was being done in other communities with only minor differences.

Mayor Digre opened the Public Hearing.

Cynthia Kaufman, Pacifica, stated that she worked with a group called Pacifica Climate Committee and they had looked at the report carefully and were very excited about it. She mentioned some statistics about climate changes and stated that it was ordinary people making it happen because nothing was being done at the national or international level regarding climate. She thought it was well thought out, not extreme but comprehensive.

**Dinah Verby, Vallemar**, was supporting the ordinance and the Task Force. She thanked them because this was an exciting and needed development in Pacifica and it was important to think globally and act locally. She encouraged the Council to support it.

Andrew Leone, Vallemar, expressed his thanks to the Task Force for all their hard work in developing and crafting the ordinance. He was proud of the expertise in Pacifica.

**Pete Shoemaker, Pacifica**, pointed out that years ago men with long hair were not allowed in Disneyland and today no one thinks twice about it, then compared this ordinance to that, stating that some might oppose it as onerous now, but 20 years from now they would be amazed that anyone would oppose this measure. He felt this was a good trend.

Mayor Digre closed the Public Hearing.

Mayor pro Tem Nihart stated that she provided Council with a summary from California's Department of Justice regarding codes implemented this year. She stated that Pacifica was consistent with the trend on green building in the state as well as in other cities. She thanked the committee for all their hard work. She mentioned that large building groups probably already have green building staff but hoped the City would put something on the City's website to direct the smaller building groups for information, especially since the state's green code would be going into effect on January 1. She stated that she had received copyrighted green building information from Ann Edminster that she thought Ms. Edminster would give the City permission to utilize.

Councilmember Lancelle thanked the Chair of the Green Building Task Force as well as all the members for their work and dedication. She felt it was due, and she appreciated all the time that went into it. She stated that many things being proposed in the ordinance were things that many would naturally tend to do because they provided energy efficiency and reduced costs. She felt the fact that no one has come with any concerns was a testimony to the fact that this was a very fair ordinance that made sense. She referred to the definition of a qualified green building professional, stating that she thought there were builders who were qualified as such, and asked staff for a definition.

Assistant Planner Horrisberger stated that it was referring to the green building professional contracted by the applicant to prepare the document for the City and ensure that the project has met the applicable provisions.

Councilmember Lancelle asked if there would be a green building checklist, adding that she didn't think the checklist would be extensive or burdensome.

Assistant Planner Horrisberger stated that, for larger projects, the certification was done by a third party, adding that the green system had its own checklist as did the LEAD system, and someone familiar with them would need to prepare the documentation for submittal to the City.

Councilmember Lancelle asked if someone remodeling their home or a builder building one house would fall into that category.

Assistant Planner Horrisberger stated that it would depend on the project evaluation, and most likely a new home would require a certification but it would be dependent on the square footage and value assigned to the project; not existing, new, remodel, etc., but the value.

Councilmember Lancelle asked if the building official would be the person reviewing the compliance.

Assistant Planner Horrisberger stated that she was correct, adding that they would look at the documentation submitted by the applicant to ensure that it was completed properly and everything was done according to the ordinance.

Councilmember Lancelle referred to one section on page 10, and asked if there were any consideration of incentives to encourage people to take voluntary actions. She stated, if not, it might be something they would want to consider going forward. She thanked everyone involved again.

Councilmember DeJarnatt agreed with his colleagues so far, stating that he appreciated the effort made by the Green Building Task Force. He knew that a lot of time and hard work went into this. He liked it very much, adding that he felt we were a richer community for this ordinance.

Councilmember DeJarnatt moved that the attached ordinance entitled, "An Ordinance of the City Council of the City of Pacifica Adding Chapter 21 to Title 8 of the Pacifica Municipal Code to Require Green Building Measures for Construction Projects," be read by title only and that further reading be waived; seconded by Councilmember Lancelle.

Mayor Digre stated that it was a very impressive report with a lot of extremely hard work done over a long time and she thanked the committee and staff for all their hard work. She asked if they were happy with a year rather than six months.

Assistant Planner Horrisberger felt a year was better to give them time to use it and figure out where it needs work.

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

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

Noes: Councilmembers: None.

Motion passed: 4-0.

Councilmember DeJarnatt moved introduction of the ordinance; seconded by Councilmember Lancelle.

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

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

Noes: Councilmembers: None.

Motion passed: 4-0.

Councilmember DeJarnatt moved that staff return to Council with a resolution extending the Green Building Task Force for two years following ordinance adoption, in order to review the

Green Building Ordinance at least one year following adoption and make any necessary revisions; seconded by Councilmember Lancelle.

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

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

Noes: Councilmembers: None.

Motion passed: 4-0.

# **COUNCIL COMMUNICATIONS:**

Mayor pro Tem Nihart stated that, in the Economic Development Committee meeting, they had been making significant progress, including the subcommittee working on branding. She stated that they had been working on surveys and weren't getting them back so they have changed to interviews. She congratulated the volunteers of the Elna Flynn award winners. She stated that it was fantastic to go to that and see so many incredible people working so hard to make their schools what they are. She congratulated the winners and all the wonderful parents in Pacifica. She stated that the Palmetto Business Association was continuing and working on their structures and would be ready to work with the City on the street. She congratulated Aaron at Florey's Books who was the recipient of the Wells Fargo \$3000 grant. She encouraged everyone to go by and see, stating that he made use of every dollar. She wished him success in the competition of who did the best overhaul. She stated that the President's Council at Skyline bid farewell to Victoria Morrow and has named the new president, Dr. Regina Standbeck Stroud. She attended the Legislative Committee for CCAG, and stated that she received a ton of calls after the report on the potential of tolls being charged going in and out of San Francisco. She reported that CCAG was going to write a letter and the cities and County of San Mateo strongly oppose it. She stated that, even if the Board of Supervisors approved this, it would be a minimum of five years. She stated that there were individuals working on the possibility of a legal response on restriction of trade in the U.S. Constitution if needed. She thought that more likely there might be a restriction on downtown, financial district and parking. She referred to the response to Prop. 22 in Sacramento, stating that the lobbyists who worked for the county were talking about some pushback, and stated that CCAG board members and some mayors may make a trip to Sacramento and work with some of the legislators. She stated that, even though they set limits on taking money that was allotted to the cities, they wanted to make sure they were still working with the state.

Councilmember Lancelle referred to the City's GGNRA advisory committee, stating that, as the liaison to the committee, she attended the meeting. She stated that the advisory committee suggested contacting San Francisco Park and Rec regarding improving the surface of the berm because it was becoming more deteriorated for people walking on it. The committee was going to ask for a temporary surface before getting into the rainy season, mentioning that the berm trail was part of the state coastal trail which connected to many areas such as Morey Point. She was passing along their request that the City send a letter to San Francisco's Park and Rec on moving ahead quickly on the surface. She then referred to questions by the Committee regarding the date of the tunnel opening, stating that they were interested in the City putting together a planning committee for the opening and to start working with Caltrans. She mentioned that Rich Reid suggested that it would be nice to have a walk through the tunnel before traffic officially drives through it. They also asked when the parking lot and Devil's Slide would be opening, and if it would be simultaneous to the tunnel or on a different date.

City Manager Rhodes stated that he can answer the questions about the trail, explaining that the trail opening would be about a year behind the opening of the tunnel because they will have to close the highway and then start the work.

Councilmember Lancelle thought the committee would focus on the tunnel opening and then shift over when the trail project opened. She thought everyone was looking forward to it. She mentioned reading about how San Mateo had responded to the FEMA flood zone maps and formed an assessment district. She felt it was an important matter and thought, if there were any parallels, it would be interesting to explore them. She then mentioned that San Mateo County was working on a comprehensive bike and pedestrian plan for the entire county, and stated that she would like to be sure the City followed up with the possible designation for Palmetto as a rural business district, which would make us eligible for additional funding for infrastructure repairs to improve pedestrian access. She hoped that the Council would follow up on that. She mentioned a proposal Congressman Jackie Speier was putting forth for federal funding to do a study on the sea wall and look at what could be done with the environmental issues. She asked if they could find out the status or the alternatives if that was not going to happen. She mentioned receiving a letter from Burlingame mayor, Terry Nagel, asking to be reappointed to the San Mateo County Transportation Authority. She pointed out that they haven't had a formal process for this, but she suggested that it should be on Pacifica's agenda before that December 17 meeting. She referred to Mayor pro Tem Nihart's remarks about Palmetto and Florey's Books and mentioned The Pickled Hutch, reminding everyone to shop in Pacifica during the holiday season. She suggested that they adjourn the meeting in memory of November 22, the day Kennedy was shot, which she felt was a turning point in our history and a shift in our idealism, with that being the first of three political assassinations within five years. She felt it changed our history and was the beginning of a very difficult time for this country.

Mayor Digre stated that today was also the birthday of Pacifica. She stated that the poets had their birthday celebration on Sunday. She stated that it was extremely difficult times for everyone, and every city was encouraging their residents to shop in their own city. She stated that we had many unique stores with fascinating things for Christmas gifts. She stated that many residents helped the PCT by phoning in during the auction, mentioning that we were one of the few cities with public television and they were grateful for the help. She stated that the Open Space committee met the previous week, and were always looking for members for their various subcommittees. She stated that the official Pacifica tree lighting was scheduled for December 3. She also mentioned that the City Council would be looking for a worthy candidate to replace retiring Planning Director Michael Crabtree. She mentioned Florey's Book Store on Palmetto which was a Pacifica treasure. She stated that there were applications being accepted until December 3 for the Planning Commission vacancy.

#### **ORAL COMMUNICATIONS**

Mayor Digre opened Oral Communications.

Bill Bigler, Pacifica, stated that he has been an election pole worker for several years and he felt the City needed to change its voting procedures to 100% by mail and cease voting at precincts. He stated that current California law does not allow all elections to be conducted exclusively by mail. He asked the Council to pass a resolution urging our legislative representative and the County Board of Supervisors to consider the merits of 100% vote by mail elections and initiate the essential legislation. He then mentioned the arguments in favor, i.e., increased voter participation, budget savings, positive opinion by the public, ease of implementation, a greener option. There are arguments against it, and he would be happy to respond to them with more

time. He has been impressed with the efficiency and integrity of our current voting procedures but it was clear to him that we should change to a better system. He hoped the Council would agree that this was a tried and proven better system, adding that we will need a grassroots movement before California will adopt vote by mail only elections. He asked Pacifica to start the grassroots movement.

Therese Dyer, 1408 Crespi Drive, stated that she agreed with the pole worker that we could save \$2 million a year. She was disappointed that Councilmember Vreeland was not present because her message was specifically to him. She felt that, before he takes the oath of office, she would like him to resign. She intends to send a letter to the Department of Justice, as well as the Attorney General's office, for a violation of the Building and Professional code, getting an innocent man fired and using City services, i.e., our City Attorney, to represent him against this man. She stated that she has quite a few codes that he has violated, adding that she didn't know where it puts the rest of the Council because they might be an accessory to it. She felt, if they knew someone was doing something wrong, it was their responsibility to the City to do something about it. She stated that, if he was listening or they give him the message, this was her intention.

Mary Ellen Carroll, Pacifica, stated that she was representing the Pacifica Resource Center as one of the advisory board members. She was giving them an update on their progress and publicly thanked the contributors to their holiday food drive, including scouts, schools, etc. She stated that their adopt-a-family program was now underway.

Mayor Digre closed Oral Communications.

### **CONSIDERATION**

# 9. Approval of Memorandum of Understanding between the City of Pacifica and Pacifica Police Supervisors Association.

Admin. Services Dir. Ritzma presented the staff report.

There were no public comments.

Mayor pro Tem Nihart stated that the police supervisors have done an amazing job and she was completely grateful. She acknowledged that this was a difficult time we are going through and a time where we need to have a plan and bring the City along. She was committed to working as hard as she can on every aspect for financial stability. She felt they needed everyone to pitch in and she was grateful to the wonderful officers and supervisors who stepped up and recognized where the City was. She was sorry that these were the finances of the City but she was grateful to every single officer in the force and specifically to the Pacifica Police Supervisors Association.

Councilmember Lancelle seconded everything Mayor pro Tem Nihart said. She was grateful and appreciative of the Police Supervisors Association being willing to take the time and work with our negotiators to come to a place to continue moving forward on the five-year plan, our road map for sustainability during this difficult economic time.

Councilmember DeJarnatt stated that no one likes this contract, not him and probably not the supervisors, because it was not a step up. He appreciated the police supervisors for recognizing the situation, adding that it will probably stay this way for a while.

Mayor Digre stated that they care about all of their employees, acknowledging that no city was worth anything without good employees. They were privileged to have them and especially because they were willing to "bite the bullet" for the City.

Mayor pro Tem Nihart moved to approve the MOU with the City of Pacifica and Pacifica Police Supervisors Association and direct staff to execute the final Memorandum of Understanding and Side Letter for the bargaining unit; seconded by Councilmember DeJarnatt.

### **ROLL CALL VOTE:**

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

Noes: Councilmembers: None.

Motion passed: 4-0.

# 10. Approval of Memorandum of Understanding between the City of Pacifica and San Mateo County Fire Fighters IAFF Local 2400.

Admin. Services Dir. Ritzma presented the staff report.

There were no public comments.

Mayor pro Tem Nihart echoed her previous comments, adding that we have outstanding firefighters. She felt Councilmember DeJarnatt expressed it clearly when he stated that no one likes the contracts. She did not like doing it, but acknowledged that they have to do it. She commented that fire personnel took some cuts last year and were also stepping up this year, which she felt was commendable. She stated that it was something we have to do to bring the City to financial stability but she was committed to finding ways to continue to make it workable and she was grateful to our firefighters.

Councilmember Lancelle referred to Admin. Services Dir. Ritzma's comment that each contract was unique with each group working through it to find something that they could live with, including everyone taking cuts and holding the line. She appreciated the humanity that came through with all the required sacrifices while maintaining their integrity and regard for their work. She repeated that she was grateful and appreciative of their ongoing dedication to public service.

Councilmember DeJarnatt stated that the same thing applies to this contract as applies to the previous one, agreeing with the comments of his colleagues.

Councilmember DeJarnatt moved to approve the MOU with the City of Pacifica and IAFF Local 2400 and direct staff to execute the final Memorandum of Understanding for the bargaining unit; seconded by Mayor pro Tem Nihart.

Mayor Digre stated that she said it all the first time, but added that she was grateful to see employees caring for one another to preserve all their jobs.

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

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

Noes: Councilmembers: None.

Motion passed: 4-0.

# 11. Tentative Agreement between the City of Pacifica and Fire Battalion Chiefs, Teamsters Local 856.

Admin. Services Dir. Ritzma presented the staff report.

There were no public comments.

# 12. Tentative Agreement between the City of Pacifica and Police Management Teamsters Local 350.

Admin. Services Dir. Ritzma presented the staff report.

There were no public comments.

Mayor pro Tem Nihart expressed to both the Battalion Chiefs and Police Management the same thoughts she had about our firefighters and police supervisors, which was that we had wonderful employees and she was grateful to each of them for recognizing where the City was as a city and helping us move forward to be fiscally responsible.

# 13. The Police Department's Final Report on July 4, 2010 Activities, Which Include Fire Department and Public Works.

Police Chief Saunders presented the staff report.

Councilmember Lancelle asked if the City gets a fee from the sale of legal fireworks.

Police Chief Saunders stated that there were permit fees paid by the groups. He thought it was \$750 each. He stated that Denise Ravel could probably fill them in on that. He stated that they also collect the sales receipts, which go toward the City, but he didn't know those totals.

Councilmember Lancelle stated that she was trying to remember the difference on what we spend as opposed to what we take in.

Admin. Services Dir. Ritzma stated that she would have to take a look, but confirmed that they get the \$750.

Police Chief Saunders stated that there was an 8% public safety tax.

Councilmember Lancelle reiterated that the City has a tax on the amount that they sell, as well as a flat fee of \$750 for having the booth, assuming they have about 15 different permits.

Admin. Services Dir. Ritzma stated that they were short one but ended up with 13 applications.

Councilmember Lancelle felt better that we were recovering some of the expenses.

Police Chief Saunders mentioned again that it would be a Monday next year, and while he was not part of the planning, he suspected that they may be able to reduce some of the manpower next year because of it being during the week.

Councilmember Lancelle thanked Police Chief Saunders, adding that she appreciated all his work over the last few years.

Councilmember DeJarnatt stated that he didn't recall the exact amount the City was getting back, but thought the intent was to reimburse the City for the police, fire and public works costs. He thought it worked out pretty closely. He then asked what an M1000 looked like.

Police Chief Saunders referred to an M80's power and suggested he think about the difference. He stated it was a miniature bomb.

Councilmember DeJarnatt stated that it was in scale. He hasn't seen an M80 in a long time, but he thought it was about 1-1/2 inches.

Police Chief Saunders stated he was accurate and they were looking at 4 or 5 inches. He stated that was why they should have a professional handle it.

Councilmember DeJarnatt appreciated all the work done by all of them have done for many years, and he thought it now looked like they were turning the corner, adding that it seemed to be a quiet 4<sup>th</sup>. He thought it was nice to see and he hoped the trend continued. He felt it was due to the Chief and his staff, stating that they were doing a good job.

Mayor pro Tem Nihart asked if this was additional to the regular patrols.

Police Chief Saunders responded that it was.

Mayor pro Tem Nihart stated that she would like to know if they were actually covering all the costs. She thought it was close but would like to know specifically. She stated that, for the second year in a row, she was on top of Station 72 and the show was not nearly as good as the year before. She thought it seemed much quieter in general and, going out with a patrol, they weren't seeing the same as they had the year before. Based on her personal experience, she concurred with the report and she would move to accept the report.

There were no public comments.

Mayor Digre stated that those task force meetings paid off.

Police Chief Saunders agreed.

Mayor Digre thanked staff and everyone involved.

Police Chief Saunders wanted to publicly thank Dennis Ravel of Ravel Communications who brought a lot of expertise to those meetings and was open to discussing options as opposed to banning them and was willing to listen to staff whining about how bad it was, and came up with a solution that he thought was workable.

Mayor Digre asked if they needed to make a motion to accept the report.

Councilmember DeJarnatt stated that they didn't.

# 14. Review of Options for the Provision of Police Services in Pacifica.

City Manager Rhodes presented the staff report.

Mayor Digre was happy that the chief would be part of this, and she asked if the rank and file were also included with their comments.

City Manager Rhodes stated that they would be involved in the process, already having spoken to the POA on the potential for their involvement.

Mayor pro Tem Nihart was thinking about the comments in the paper, which have to be taken with a grain of salt, regarding the County absorbing some of the costs, and she wanted to be careful because she thought the counties could be hit next. She didn't want to be in a situation like that. She thought it would be great to be open to Half Moon Bay, but she felt we had to be careful.

City Manager Rhodes agreed, but he thought we had to have a good scoping of the options. He thought one of the disadvantages of contracting out or switching was that you became much more vulnerable to external factors that can affect local services. He thought it was very difficult to protect against that, speaking from experience.

Mayor pro Tem Nihart stated that everyone was talking about merging to provide services in a most cost effective manner. She wanted the public to know that we would be very cautious in the process because of our own vulnerability.

City Manager Rhodes agreed.

There were no public comments.

Councilmember DeJarnatt agreed with staff's plan which he thought was a very good one.

Councilmember Lancelle stated that she appreciated Mayor pro Tem Nihart's comments since we had a really wonderful local department that understands our community and there was real value to that. She acknowledged that she would not be sitting there to make the final decision, but she was using this opportunity to offer her opinion. She thought the idea of expanding Pacifica's services and program into a community down the coast was an intriguing idea. She also appreciated Mayor pro Tem Nihart's comments about the County because everything she has been hearing from the County was that they were looking at deficits and cuts. She felt they were in for some difficult times and she thought it was great that they were looking at some of the options. She felt they had a lot of support in our community for making it through this difficult time together and she was encouraged by that. She looked forward to seeing how it proceeds.

Mayor Digre reiterated that she was pleased with the thoroughness of the police and staff. She stated that everyone knows what mergers are.

Mayor pro Tem Nihart moved that staff continue the actions with the caution to review the options for police services in Pacifica and how we deliver them; seconded by Councilmember DeJarnatt.

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

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

Noes: Councilmembers: None.

Motion passed: 4-0.

# 15. Designation of Business Route for Highway 1 in Pacifica.

City Manager Rhodes presented the staff report.

There were no public comments.

Mayor pro Tem Nihart clarified that the suggestions came from the citizens themselves. She thought it was a great idea and seemed like a logical thing to draw people off of Highway 1 into town. She was ready to make a motion.

Mayor pro Tem Nihart moved to accept the Economic Development Committee's recommendation regarding the designation of a Business Route for Highway 1 in Pacifica and direct staff to initiate discussions with Caltrans seeking the designation; seconded by Councilmember DeJarnatt.

Councilmember Lancelle thought it was great, commenting that they have talked about getting some kind of signage on the highway for years to indicate the business districts on both sides of the Palmetto business district that were sidelined when the freeway went through.

Mayor Digre thought the merchants would be happy to have signage on the freeway. She added that she would be happy when it happens considering how long it took to get the pier signs.

City Manager Rhodes thought it would be concurrent with the undergrounding.

Mayor pro Tem Nihart agreed, adding that they didn't want it before.

Mayor Digre stated that they will follow the Giants and believe.

#### ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 4-0.

# 16. Contract for Consultant to Provide Engineering Services to Re-Establish Fire Assessment.

Councilmember DeJarnatt thought they should postpone something this important until Councilmember Vreeland was present, especially if they need 4 votes. If they don't need a majority they can go ahead, but he felt this was something that they all needed to weigh in on. He then acknowledged that the City Manager didn't appear to want to wait.

City Manager Rhodes didn't know if they want to have the report first and then engage in that discussion, but he explained it was a matter of timing. They needed to get it moving in order to meet the timeline. He was concerned that if they delay and, if for some reason they don't have another Councilmember in December, then they are into the first of the year. They would like to return to Council with the preliminary information after the first of the year because of a lot of decisions that have to be made. However, they needed the base report first.

Admin. Services Dir. Ritzma presented the staff report.

There were no public comments.

Mayor pro Tem Nihart observed that this was the first step needed, and doesn't decide whether it will go on the ballot. She thought that they almost cover it with the voluntary cuts taken by her, Councilmember Vreeland and Councilmember Lancelle and the City Manager, and she was willing to give up more if necessary because we have to pull the City into some level of financial stability and solvency. They have asked the employees to take cuts, and they would be remiss if they asked them for cuts and didn't go forward with the continued plan from the public. She would have a hard time facing the public if they didn't do that. She wasn't wild about facing the firing line or asking for taxes, but it was the next logical step. She felt, if she was a one-term councilmember because she asked for financial stability in the short term while they develop a real economic base, she would be fine with that. She stated that they have asked something from the employees and now they were asking the public.

Councilmember DeJarnatt acknowledged that the whole Council took cuts last year, not just the three mentioned.

Mayor pro Tem Nihart apologized, stating that she was just naming a few.

Councilmember DeJarnatt understood but felt they needed to tell the entire truth and recognize that they all took cuts. He wasn't sure if he would vote to put this on the ballot. He had grave reservations about this, adding that he can look anyone in the eye whether or not he puts it on the ballot. He stated that this was the third time he was asked to put another tax issue on the ballot against his better judgment. He recognized that they have a huge deficit, and if this doesn't go on the ballot there was no other solution except to cut more. He would support this part of it at this time, but he was reserving judgment on the rest of it.

City Manager Rhodes clarified that this does not go on the ballot.

Councilmember DeJarnatt understood that this was just the first step.

City Manager Rhodes clarified that, even if they proceed, this does not go on the ballot. It was a different process.

Councilmember DeJarnatt understood, but he felt it was the same thing. They were asking the people to agree to bring back the fire tax they had for five years. He stated it was the same basic thing – they were asking for money, which he understood.

Councilmember Lancelle supported Mayor pro Tem Nihart's comments, except for the part of not saying everybody took cuts, but it still did not take away the truth of what she said. She thought it was important to understand that our City was incorporated, and the purpose was to provide services to everyone in the community and revenue was needed to provide those services. She thought the original fire assessment was good and very well received, and she thought it was the wrong decision to not bring it back after it expired. She thought it was a small amount of money, about \$74 a year, considering the services we got in return.

Councilmember DeJarnatt stated that it was \$85, but agreeing that it wasn't much.

Councilmember Lancelle acknowledged the correction, and felt it was not much to receive the kind of services we received from our fire department. She was glad to see it come forward again

and to be included in the economic development plan. She reiterated that they have asked the employees to step up and take cuts and they also need to step up in the partnership.

Mayor pro Tem Nihart stated that she wanted to publicly apologize for not mentioning that they all took cuts. She also pointed out that it was two budget cycles ago that they took themselves out and rolled back a piece of their compensation. She added that they should do that to provide that leadership.

Mayor Digre stated that she saw this more as an opportunity to weigh in on the type of services she would like but she would also prefer to hear from the community rather than expressing her personal thoughts. She was in favor of this.

Councilmember Lancelle agreed with the mayor that this was about asking the public for their opinion.

Councilmember Lancelle moved to direct City Manager to enter into an agreement for consultant services in the amount of \$23,000 to provide Fire Suppression Assessment Engineering Services to re-establish a fire assessment and authorize supplemental appropriation of \$4,820 for the preparation and mailing of ballots; seconded by Mayor pro Tem Nihart.

### **ROLL CALL VOTE:**

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

Noes: Councilmembers: None.

Motion passed: 4-0.

Mayor Digre adjourned the meeting at 9:10 p.m., in memory of President Kennedy.

Mayor Digre wished, on behalf of the Council and staff, all Pacifica residents a Happy Thanksgiving and asked that we remember all men and women in uniform in harm's way and living through difficult times.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 12/13/10;

4-0;

Councilmember DeJarnatt absent

Sue Digre, Mayor