MINUTES

City Council Regular Meeting 2212 Beach Boulevard Pacifica, CA 94044 January 24, 2011

Mayor Nihart called the meeting to order at 6:15 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 54956.9(a): Conference with legal counsel, pending litigation. In the matter of City of Pacifica, California Regional Water Quality Control Board, San Francisco Bay Region Complaint No. R2-2009-0075; and Our Children's Earth v. City of Pacifica, U.S. District Court, Case No. CV-08-5201 EMC.

Mayor Nihart convened to Closed Session.

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

Present:

Councilmembers:

Stone, Digre, Vreeland, DeJarnatt and Nihart.

Excused:

Councilmembers:

None.

Staff Present:

Steve Rhodes, City Manager; Cecilia Quick, City Attorney; Ann Ritzma, Administrative Services Director; Van Ocampo, Director Public Works/City Engineer; Jim Tasa, Police Captain; Dave Gromm, Dir. Wastewater Treatment Plant; Lee Diaz, Associate Planner; Fernando Realyvasquez, Police Captain;

Kathy O'Connell, City Clerk.

Mayor pro Tem DeJarnatt led the Salute to the Flag.

Commission Liaison:

Planning Commissioner Evans.

Chamber Liaison:

None.

CLOSED SESSION:

City Attorney Quick stated that the Council took no reportable actions in Closed Session this evening.

CONSENT CALENDAR:

Mayor pro Tem DeJarnatt moved approval of the Consent Calendar, as amended, as follows: Approval of disbursements dated 01/03/11 to 01/14/11 in the amount of \$539,142.54, regular and quick checks numbered 81925, 11943 to 12104, as set forth in Item #1; Approval of Minutes of regular City Council meeting of January 10, 2011, as set forth in Item #2; Approval of Commendation in Honor of Rebecca Elliot, as set forth in Item #3; Approval to Solicit Proposals from Qualified Engineering and Environmental Compliance Consultants to Assist the City of Pacifica in Renewal of its National Pollutant Discharge Elimination System (NPDES) Permit No. CA0038776 for the Calera Creek Water Recycling Plant (CCWRP), as set forth in Item #4; seconded by Councilmember Stone.

Councilmember Digre mentioned that, in the minutes on page 2, she would like to clarify that, in addition to thanking the retiring dogs, she included the police officers as well.

Councilmember Vreeland stated that he would be abstaining from voting on the minutes.

ROLL CALL VOTE:

Ayes: Councilmembers: Stone, Digre, Vreeland, DeJarnatt and Nihart.

Noes: Councilmembers: None.

Motion carried: 5-0.

SPECIAL PRESENTATION:

None.

PUBLIC HEARINGS:

5. Adoption of an Interim Ordinance Extending a Temporary Citywide Moratorium on Payday Lender Facilities Pending Further Study.

Associate Planner Diaz presented the staff report.

Mayor Nihart opened the Public Hearing.

Anita Rees, Pacifica Resource Center, thanked the Council for considering this moratorium again to give them enough time to really look at the issue and determine what is best for the residents of Pacifica. She then mentioned that the Resource Center was looking at ways to help people get out of the cycle of debt created by the Payday loans, with a proposal pending to help that happen. She hoped that it will be funded and then she can report on it to the Council. She was excited about it, mentioning briefly that individuals would put money in a savings account for six months and, at the end, the Resource Center would match \$55 to pay off their \$300 loan, thereby creating a habit of savings and allowing them to borrow from themselves instead of borrowing from a Payday lender.

Mayor Nihart closed the Public Hearing.

Mayor pro Tem DeJarnatt stated that it made perfect sense. He liked the idea of considering distance restrictions, referring to the information that Pacifica had the highest per capita rate of Payday lenders in the County and one of the highest in the Bay Area. He supported this completely.

Councilmember Digre agreed and liked the creative proactive stance of the Resource Center. She felt the situation showed that the citizens needed and were looking for help.

Mayor Nihart appreciated staff bringing this forward and also appreciated Ms. Rees and the Resource Center for bringing it to the Council's attention. She didn't want to be known as the City with the highest per capita of payday lenders.

Mayor pro Tem DeJarnatt moved "An Interim Ordinance of the City Council of the City of Pacifica, Extending a Temporary 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 Councilmember Vreeland.

ROLL CALL VOTE:

Ayes: Councilmembers: Stone, Digre, Vreeland, DeJarnatt and Nihart.

Noes: Councilmembers: None.

Motion passed: 5-0.

COUNCIL COMMUNICATIONS:

Councilmember Digre stated that she attended the ABAG meeting in Oakland, celebrating the 50th anniversary of ABAG and also MTC. She stated that they presented a film, "History" and she benefitted from that, having a greater knowledge and admiration for ABAG. She also stated that the youth met again. They were still enthusiastic but had to work around homework, etc. She was fascinated watching how they work, with Nicole from PB&R standing on the side to prompt only when necessary. She stated that they didn't have enough time for their activity scheduled for February so they were looking to March. She stated that there will be an article in the *Tribune* to help the public to understand what is happening with this project. She attended the San Mateo County-Silicon Valley Visitors' Bureau luncheon, mentioning that Chuck Gust was given the hospitality award. She was pleased to hear some of the things that have happened since Pacifica has been in it. She mentioned the Chamber awards coming up. She reported that Florey's Book Store was celebrating on January 26. She referred to future meetings, specifically a February 9 study session between the Council and Planning Commission, GGNRA liaison committee on January 26 and Open Space also on January 26.

Councilmember Stone stated that he was in Sacramento the past week for a new Councilmember and new Mayor training. He thanked the Council for seeing the importance of investing in the education of a new Councilmember. He stated that there were over 350 people from 451 cities in California. He felt it was very valuable. He stated that Jerry Brown was a special speaker and talked about his budget, specifically mentioning his plans for redevelopment. He mentioned that the League of California Cities was adamantly against that, as well as Pacifica members. He also attended the San Mateo County-Silicon Valley Convention Visitors' Bureau luncheon and saw Chuck Gust get his award. He mentioned that they discussed gearing up for the America's Cup, adding that hopefully Pacifica can take advantage of that because of our proximity to San Francisco. He mentioned that the General Plan meeting was at IBL on the coming Saturday and it was important to hear from the community.

Mayor pro Tem DeJarnatt had previously mentioned Pacifica School Volunteers hosting Read-Aloud Days, with Ortega in February completely filled, but April 8 at Sunset Ridge still had openings.

Councilmember Stone mentioned that, at the training, a lot of the cities around the state had issues hosting and having a cordial meeting, and they had shown examples of disrespect, and he felt that Pacifica's Council meetings have been very civil and he hoped that would continue.

Councilmember Digre stated that there were some people in Pacifica trying to get the Giants' trophy to come to Pacifica and they were hoping that the Mayor or City Manager would be getting a phone call but they would appreciate anyone interested in letting the Giants know that it would be wonderful to have it here.

Mayor Nihart congratulated the Historical Society on their ghostbusters at the castle being on Channel 5 at 7:00 p.m., adding that it was the same time as the meeting, and she was taping it. She asked the City Attorney if she could mention the name of the award that Chuck Gust got.

City Attorney Quick stated that she could since they weren't taking any action on it.

Mayor Nihart stated that he had received the Margie Grant Heart of Hospitality Award, named after a long time Bureau employee, given to an individual in San Mateo or the Palo Alto tourism community that best exemplifies the spirit of hospitality and generosity. She wanted to mention it and congratulate him because they had heard a report at the Economic Development meeting of things going on with the Convention and Visitors Bureau, adding that the Gusts play prominently in that in terms of hosting a number of events. She mentioned that they have had tourism officials from the U.K., Australia, etc. She explained that the reception at Florey's Book Store was because Aaron was a participant in the San Mateo County small business renovation program which was sponsored by Wells Fargo. He was an award winner and would be honored by the reception hosted by them on January 26. She encouraged people to go and congratulate Aaron. She hoped people would come to the General Plan update at IBL.

ORAL COMMUNICATIONS

Mayor Nihart opened Oral Communications.

Anita Rees, Pacifica Resource Center, reminded everyone about their Open House on Saturday, January 29, with a short program scheduled at 12:30. She stated that the computers in the computer lab were in. She stated that they had the homeless count in Pacifica but they still needed volunteers. Anyone interested could arrive at 5:45 a.m., be matched with trained volunteers and go out to count the homeless. She stated that the tax service begins on January 29, then every Wednesday, 3-7 p.m., until April 13, and on February 12, March 12 and April 9, mentioning eligibility qualifications and process.

Earl Annecston, Pacifica, read in the paper that the Council had authorized a raise of the garbage rates.

City Manager Rhodes stated that there has been no rate increase.

Mr. Annecston stated that, if they had, he thought it would be cheaper to eat the garbage.

Mayor Nihart closed Oral Communications.

Mayor Nihart thanked Councilmember Digre, City Manager Rhodes, Van Ocampo and staff members who went on the first Mayor's walk earlier in the day. She thought it was insightful and she would give details at the next meeting during Council Communications since she was commenting out of order at this time.

CONSIDERATION

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

City Clerk O'Connell presented the staff report.

Mayor Nihart then mentioned that names were added to LAFCO which necessitated the delay in scheduling the vote.

Councilmember Stone thought the choices made originally were fine unless someone wanted to consider a new candidate.

Mayor Nihart stated that the Councilmembers were giving her direction, adding that the last time they chose Rich Garbarino.

Mayor pro Tem DeJarnatt thought that was okay.

Mayor Nihart then mentioned that there was an addition to the Metropolitan Transportation Commission, but she could not find in the minutes that they had chosen someone.

City Clerk O'Connell agreed that they hadn't.

Councilmember Vreeland thought it was currently held by Sue Lempert of San Mateo. He thought it would be nice to have North County representation and he would recommend that they support Kevin Mullen.

Councilmember Stone stated that was fine with him.

Mayor Nihart stated that she has sat with Kevin on the legislative committee for CCAG and she agreed with his selection. She also mentioned Michael Guingona of Daly City and Carol Matsamoto of So. San Francisco for appointment to the San Mateo County Transit District, and she thought they had supported Carol. She asked if it was okay and acknowledged the Council's positive reaction. She thought those were the only contested races and she would cast the vote accordingly.

Councilmember Digre commented that they were all So. San Francisco. Although she didn't have a problem with that, her only thought was looking down the road. She stated that they were good people, and So. San Francisco came to everything.

Councilmember Vreeland stated that was his hesitation, that all three were from So. San Francisco, but he felt they have always been there for us and he would hope that they would continue to do that when Pacifica was looking for selections to countywide committees, and they were North County representation. He did agree with Councilmember Digre regarding being cautious but they were a good group.

Mayor Nihart stated, for the benefit of the public, that in many of the committees there was a hierarchy. She referred to Councilmember Vreeland's position on the Transportation Commission Authority and thought he could speak to it, but longevity said something, referring to cities with term limits.

7. Selection of City Council Liaison and Committee Assignments for 2011.

Mayor Nihart stated that they had started on the assignments at the last meeting and had decided to wait until they were all present.

City Clerk O'Connell presented the staff report.

There were no public comments.

Mayor Nihart appreciated Councilmember Digre going to the ABAG general assembly, adding that the Council of Cities required all of them. She asked if they were fine with Councilmember Digre on ABAG General Assembly.

Councilmember Stone thought they had decided that he would do the ABAG committee, before they decided to table it. He thought, if Councilmember Digre wanted to do it, he was fine with that.

Councilmember Digre asked if they met in Oakland.

Mayor Nihart thought they met in the North Bay and the South Bay, in April and October.

Councilmember Stone stated that he wouldn't mind being the alternate.

Mayor Nihart stated that anyone can go. There was usually an excellent presentation but it took the whole day.

City Clerk O'Connell asked for clarification on the designated appointee.

Mayor Nihart stated that it was Councilmember Digre with Councilmember Stone as the alternate. She then went through the remaining list and the selections were as follows:

Airport Community Roundtable

City/County Assn. of Governments(C/CAG)

C/CAG Bikeways Committee

Emergency Services Council of San Mateo County

Emergency Preparedness & Safety Commission

Peninsula Congestion Relief Alliance

Open Space Committee

Pacifica Community Television & Comcast Liaison North County Fire Authority Joint Powers Authority

San Mateo County JPA, Advance Life Support

San Maico County STA, Advance Ene Support

San Mateo County Library Joint Powers Authority

Fog Fest Committee Liaison

San Mateo Transportation Authority

Colma Creek Flood Control Advisory Committee

AD HOC Committee Assignments: JUHSD/PSD Articulation Committee

Pacifica School District Volunteers

Library Foundation Subcommittee

Economic Development Committee

Devil's Slide Advisory Committee

Financing City Services

S. Digre; P. DeJarnatt (alternate)

M. Nihart; L. Stone (alternate)

Someone will apply for it

S. Digre; P. DeJarnatt (alternate)

P. DeJarnatt; J. Vreeland (alternate)

S. Digre: P.DeJarnatt (alternate)

S. Digre; (alternate)

P. DeJarnatt; J. Vreeland (alternate)

M. Nihart, S. Digre; J. Vreeland (alt)

S. Digre; M. Nihart (alternate)

L. Stone

M. Nihart & J. Vreeland

J. Vreeland

P. DeJarnatt; S. Digre (alternate)

M. Nihart; J. Vreeland

P. DeJarnatt; J. Vreeland (alternate)

P. DeJarnatt; J. Vreeland

M. Nihart; S. Digre

J. Vreeland; L. Stone

M. Nihart; L. Stone

8. Letter Expressing Opposition to Governor Brown's Proposal to Eliminate Redevelopment Agencies.

City Manager Rhodes presented the staff report.

There were no public comments.

Councilmember Stone stated that, when he was in Sacramento, they were talking about redevelopment and the impact of Prop. 22 and how this was a way for the state to have more funds going from cities to state government. While they commented that some cities took advantage of it, he felt that Pacifica had huge redevelopment possibilities and the revenue could benefit the city for a long time. He felt it was critical to keep that redevelopment area a possibility and take advantage of it. He agreed that, whatever we need to do to express that thinking to the governor, they needed to take those steps.

Councilmember Digre stated that she thought the governor's plan was to redistribute to every city and some cities don't have the same economic needs that we do, however, it didn't matter what their economic status was. She felt that put cities such as Pacifica in a difficult, painful position.

City Manager Rhodes stated that it was to every taxing agency, city, counties, etc., and they would all share in the redistribution.

Councilmember Digre commented that we would all get ten cents.

City Manager Rhodes responded "thereabouts."

Mayor Nihart stated that everyone will read about it in Wednesday's *Tribune* because she brought this issue up in her presentation at the Pacifica Democrats. She felt she made her opinion very clear to Assemblyman Hill, as well as the staff in Senator Yee's office. She commented that they put this to the vote of the public twice; Prop. 1A which was about keeping our share, passed, and this year with the threat to redevelopment, we put Prop. 22 out there and the public supported it. She felt this was not the state's or the cities' money, but the public's money, and the public had decided that the local communities should get what they get. She felt it was reprehensible that the first action was to figure out a way around it instead of listening to what the people had to say. She stated that she had given them permission to use her name in support, and she was looking for support from the Council.

Councilmember Stone thanked Mayor Nihart, stating that at the State of the City address, she had stated clearly to the assemblymember to keep their hands off our redevelopment.

Mayor Nihart stated that she hadn't said it quite that way.

Councilmember Stone agreed that she said it more eloquently than he had. He thanked her for her leadership, agreeing that we have to ensure that people are held accountable and get the message when the people pass this type of law. He stated that he had met with Jerry Hill when he was in Sacramento and tried to reinforce that message as well.

Councilmember Vreeland echoed what Councilmember Stone said. He felt it was great that the mayor and the Council were taking this on. He felt it was another power grab, taking money away and giving the cities more things to do.

Councilmember Vreeland moved to authorize the Mayor to Sign the attached letter to Governor Brown opposing the elimination of Redevelopment Agencies in California; seconded by Councilmember Stone for discussion.

Councilmember DeJarnatt agreed with what has been said so far.

Mayor Nihart stated, for the benefit of the public, that the reason she got so supportive of Prop. 22 and this proposal was because the City gets such a small percentage, such as only 21% of the property tax. She clarified that the taxes were going largely to the state and some back to the counties. She thought the counties were going to be hurt severely, adding that in the future, the City will have less money in town to backfill what the counties are going to cut. She stated that, while she understands that everyone has short money and she understands the crisis, everybody has to solve the problem just as we are trying to do in Pacifica, by doing it ourselves.

ROLL CALL VOTE:

Ayes: Councilmembers: Stone, Digre, Vreeland, DeJarnatt and Nihart.

Noes: Councilmembers: None.

Motion passed: 5-0.

Mayor Nihart adjourned the meeting at 8:00 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

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APPROVED: 5-0: