MINUTES

City Council Regular Meeting 2212 Beach Boulevard Pacifica, CA 94044 July 11, 2011

Mayor Nihart called the meeting to order at 6:30 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 54957.6: Conference with Labor Negotiator. Agency Negotiator: Ann Ritzma. Employee organization: Miscellaneous Teamsters Local 856; Management Teamsters Local 350; WasteWater Teamsters 856.

Mayor Nihart reconvened the meeting at 7:00 p.m.

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

Excused: Councilmembers: None.

Staff Present: Steve Rhodes, City Manager; Michelle Kenyon, Acting City Attorney; Lee Dias,

Associate Planner; Van Ocampo, Director Public Works/City Engineer; Mike

Perez, PB&R Director; Kathy O'Connell, City Clerk.

Councilmember Stone led the Salute to the Flag.

Commission Liaison: Planning Commissioner Evans, PB&R Commissioner Murphy.

Chamber Liaison: None.

CLOSED SESSION:

Mayor Nihart stated there would be no report because closed session would be following the meeting.

City Clerk O'Connell stated that they needed to make a motion to change the order of the agenda.

Mayor pro Tem DeJarnatt moved to change Closed Session to the end of the regular meeting; seconded by Councilmember Vreeland.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion carried: 5-0.

CONSENT CALENDAR:

Councilmember Stone asked to move Item #6 off the consent calendar.

Mayor pro Tem DeJarnatt moved approval of the Consent Calendar, as amended, as follows: Approval of Disbursements moved to July 25, 2011 agenda, as set forth in Item #1; Approval of Minutes of regular City Council meeting of June 27, 2011, as set forth in Item #2; Approval of Continuation of Local Emergency, as set forth in Item #3; Authorization of the California State

Department of Education Increase in the Childcare Divisions General Contract in the Amount of \$140,000 and the State Preschool Contract by \$20,000 for the 2010-2011 Year, as set forth in Item #4; Authorization of Memorandum of Understanding between the City of Pacifica and the Jefferson Union High School District for Use of District Facilities, as set forth in Item #5; Approval of Consultant Services Agreement between the City of Pacifica and Tanaka Design Group for the Engineering Design and Preparation of Final Project Plans and Specifications, and Bid Documents in Connection with the Palmetto Avenue Streetscape Project, as set forth in Item #6, moved to Consideration as Item #13; Adoption of a Resolution Authorizing Immediate Expenditure of Public Money to Safeguard Life, Health or Property and Allow for the Emergency Repair of the Rockaway Beach Force Main and Authorization of Staff to Enter into Construction Contracts for the Repair for \$19,000 [Account #34/9000000.52800.C005.000], as set forth in Item #7; seconded by Councilmember Vreeland.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion carried: 5-0.

SPECIAL PRESENTATION:

Mayor Nihart stated that they didn't get the proclamation for Cecilia Quick done in time so it will be done at the next meeting.

PUBLIC HEARINGS:

None.

COUNCIL COMMUNICATIONS:

Councilmember Stone mentioned that they had just been at the castle entertaining the Rand McNally people from Best of the Road. He hoped we will do well in the competition and bring the prize home to Pacifica. He mentioned that they would continue hosting more events for the visitors over the next few days.

Councilmember Digre agreed that they had a great event for the Rand McNally people which they would be continuing. She thanked those involved in getting the money for us from the TA for the trails, namely, Chair CAC Arietta, Councilmember Vreeland and Public Works Dir. Ocampo. She passed out booklets from the S.F Intl Airport Roundtable for Noise' anniversary, stating that they would be talking with other councilmembers in the county since some of the information was not accurate. She asked those affected by the planes if they could help by recording things for two weeks and turning that information in to her. She stressed that we need to be represented at the meetings.

Councilmember Vreeland expanded on the information of the TA meeting, specifically that they awarded Pacifica \$360,000 for the coastal trail and it would hopefully take it to the Devil's Slide where Highway 1 was abandoned. He explained some of the efforts being expended to get additional funds to build the last section.

Mayor pro Tem DeJarnatt stated that they had the needs assessment for the library presented to them, and they thought it was very well done. They felt that it would be good to do what they can to move forward with this. He asked the City Manager to bring it back on the agenda and

possibly adopt some of the findings. He thought it was interesting and well worth the money spent.

City Manager Rhodes stated that he had some research to do, but he thought they would be coming back with the next step in the process which will require work on his part. He would try to get it for the August meeting, but it may not get back till the first meeting in September.

Mayor Nihart agreed that it was an excellent presentation, informative and a good assessment of what we need in Pacifica in terms of a library and agreed that they should move ahead. She thanked everyone from Public Works and PB&R for another wonderful 4th of July in Frontierland Park. She then thanked them because she felt the city looked wonderful. She also thanked all the other groups, such as Caltrans and community groups, who cleaned up. She also thanked the individuals on the committees, mentioning some of the activities such as the Segway Tours, the pier, etc. She explained the goals of Rand McNally and USA Today, stating that this far exceeded their expectations. People around the country were following their tours of the various towns, and it was the right choice for Pacifica. She thanked everyone involved from the bottom of her heart. She stated that there were a few things coming up, such as the swearing in of our new Chief in the Chamber on Wednesday and she would be attending the budget update from the state by Jerry Hill on Thursday. She asked the City Manager if that was still the date.

City Manager Rhodes stated that he wasn't sure and would get back to her.

Councilmember Stone thanked staff for putting the Council information on the agenda to allow the public to communicate with the Councilmembers.

Councilmember Digre reminded everyone about the annual Relay for Life at Terra Nova. She wanted more information on Rand McNally's comment that the community could vote for their favorite businesses in town on the Rand McNally website.

Mayor Nihart stated that they were getting more hits all the time because people were still voting on various businesses, etc. She stated that they would be making the announcement in New Orleans on July 21. She stated that they would have a video submitted for PetSafe's \$100,000 for a dog park, and once it was posted, she suggested everyone vote. She was confident that it would be in the top 15. She stated that she would be giving a state of the city talk at the Pacifica Democrats on Saturday.

ORAL COMMUNICATIONS

Mayor Nihart opened Oral Communications.

Bill Michaelis, 338 Reichling Avenue, stated that he loved the town for the many things we have to offer. He stated that we had so many hard working, caring people and he thanked the community for supporting the second annual summer sweep citywide garage sale to benefit Senior Services, Resource Center, Youth Service Bureau and Childcare Services, especially during these difficult times. He stated that they were proud last year to have almost 60 sites and gave \$7,000 to those organizations. He explained some of the details which would be available on Google maps and on hard copy at the libraries, the Chamber, PB&R, etc. He thanked the community and the Council for being behind this effort of locals helping locals.

Anna Boothe, Pacifica, was going to talk about three things. First, she thanked the Council on delivering a balanced budget on time, while both the state and federal government were having a

problem with it. Second, she attended the reception and the committees were so enthusiastic and she hoped that the Economic Committee would have a standing subcommittee on tourism and hospitality because she felt that was where Pacifica's income would be coming. Her last item was that she wanted to support Ian Butler's idea of a medical marijuana dispensary in Pacifica, mentioning that she had given the Council a copy of a handbook on marijuana that a resident of Pacifica had given her, explaining that the woman now goes to San Francisco to get her medication. She explained that we would have the only one in San Mateo County between San Francisco and San Jose or Santa Cruz. She felt it would be an act of mercy for our residents and a moneymaker for the city.

Tod Schlesinger, Linda Mar, stated that it was no surprise that Ian Butler was the big supporter of medical marijuana, questioning whether we need more people under the influence. He stated that he was there to talk about the Rand McNally group. He stated that he didn't think they could make the City beautiful in two weeks after 30 years, and gave an analogy about how he takes care of himself all the time and looked younger than his age. He felt that the main reason the City didn't look so good and didn't have enough money was listening to John Curtis who didn't look so good. He felt that, if they had listened to him, the City wouldn't be looking like this on his watch.

Clorinda Campagna, 1 Gypsy Hill, stated that she was there for the Relay for Life, a citywide event to raise money to fight cancer, stating that it was happening this coming weekend, giving some details on cancer survivors and then some of the specifics on the event. She encouraged everyone to attend, adding that the community support has made Pacifica the only \$1 million city on the coast. She then thanked all Pacificans, demonstrating the banner.

Ernest Maske, Pacifica, stated that he has lived in Pacifica for 40 years with no complaints but now he needs a stop sign near Oceana because they are using it as a raceway. He stated that he had complained to the police, and he felt the stop sign would slow them down. He then referred to an easement between Brighton and Moana, which used to be cleaned up regularly, but now the weeds are so tall that there are snakes and roof rats, as well as dumping in the area. He stated that their area has graffiti and his wife was afraid because one person threatened him. He complained to the police and was told that there were only two people patrolling. He expressed his hope to retire in Pacifica and asked for help.

Councilmember Vreeland thanked him for coming to let them know about his concerns. He thought the best thing to do would be to start by meeting with the City Manager.

Mayor Nihart stated that he wasn't the only person in town with the graffiti. She stated that it has been bad since school got out. She would like to find the answer to that problem herself.

Mayor Nihart closed Oral Communications.

CONSIDERATION

8. Off-Sale Liquor License for Pacifica Shell Gas Station and Convenience Store at 95 Bill Drake Way.

Associate Planner Dias presented the staff report.

Mayor Nihart commented that off sale license was when people took it out, because they have others, she mentioned some of the present businesses.

Mayor pro Tem DeJarnatt asked if Safeway was in a different census district.

Associate Planner Dias stated that they must have a different license, because he called them about Safeway, and he assumed it was because it was a different type of license.

Mayor Nihart opened public comments.

Tod Schlesinger, Linda Mar, thought that, since Ian Butler says we should sell pot, we might as well sell liquor. He then stated that it seemed a ridiculous idea to sell liquor there when you have all the liquor you can buy at Safeway. He thought the answer to the different license with Safeway was because they can sell hard liquor. He assumed it would go down.

Mike Burgess, Pacifica, stated that he was an agent for the owner and he didn't know if they would have an opportunity to speak. He helped the owner to redevelop the property into the convenience store as it was now. He explained that it was a small convenience store, and the owner had purchased the property from Shell. He stated that in a small convenience store, every item was important, and the beer and wine license could be significant to him with a minimal impact on the other businesses selling alcohol. He stated that each item adds up and contributes to the success of his business and they didn't believe kids would be drinking any younger because of his business. They believed it was a reasonable request, adding that he was continuing with other services and products to establish a comfortable place.

Mayor Nihart closed public comments.

Councilmember Digre referred to the security camera requirements and asked if that was in existence now or what was going to be.

Mr. Burgess confirmed.

Councilmember Vreeland stated that he was going to make a motion.

Mayor Nihart stated that she, as well as others, had some comments.

Councilmember Stone asked staff if the owners had any prior violations for alcohol or anything in that regard.

Assoc. Planner Dias stated that we did not know, adding that when the request comes in, it is routed to the police department to see if there are any problems, and there were none.

Mayor Nihart referred to one of the speakers mentioning hard liquor, and she stated that this was beer and wine only.

Assoc. Planner Dias confirmed that she was correct.

Mayor Nihart stated that she knew Pacifica U-Save was there and also sells hard liquor, then asked if she was correct.

Assistant Planner Diaz indicated that she was correct.

Mayor Nihart guessed that it was a different census tract. She referred to the hours of operation being from 6:00 a.m. to 10:00 p.m., stating that they close before Safeway.

Councilmember Digre didn't feel that it was a worthy situation when they were trying to help small businesses, and she felt this would detract from what exists, and this was her concern.

Councilmember Vreeland thanked the owner and agent for the investment that they put into the property. He mentioned that it was an unfortunate situation to put them behind the eight-ball but he felt their work allowed another opportunity for another local business to be successful. He thanked them for their investment in our community. He mentioned that staff did not have any concerns about this location.

Councilmember Vreeland moved that the City Council declare that the proposed off-sale liquor license (Type 20 Beer and Wine) for Pacifica Shell Gas Station and Convenience Store at 95 Bill Drake Way serves a public convenience based on the evidence in the record, and that all documents and testimony be incorporated herein by reference; seconded by Councilmember Stone.

Councilmember Stone echoed Councilmember Vreeland's comments about the investment in the property and the community. He agreed with the comments from the agent regarding this being a contribution to a successful business. It definitely had his support.

Councilmember Digre commented that she was happy that people were investing in Pacifica, but she still felt that this was not a situation of necessity and too much detraction from the existing businesses.

Mayor pro Tem DeJarnatt stated that he would support it primarily because of the amount of work done there. He appreciated the turnaround in that site, although he didn't generally support liquor licenses over the number allowed, even if it was only one more. He felt that it was in an area where there already are some, and he didn't see it causing a problem.

Mayor Nihart also echoed some of the Councilmembers' comments, and thanked them for cleaning up and reopening. She felt it was a major endeavor for that piece of property.

ROLL CALL VOTE:

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

Noes: Councilmembers: Digre.

Motion passed: 4-1.

9. Approval of Street Light Maintenance Contract with Republic Intelligent Transportation Service (Republic ITS) and Street Sweeping Contract with Clean Street Company for the Street Light Maintenance Program and Street Sweeping Program Respectively.

Dep. Dir. of Public Works Ocampo presented the staff report.

Mayor pro Tem DeJarnatt asked how much they would save by this.

City Manager Rhodes stated that, based on the analysis as part of the budget, personnel costs for street lights would save \$78,000 and for street sweeping would save \$8,000. However, additionally, they both would have required intensive capital investment.

Councilmember Stone asked staff if it was customary to have that long a contract with a street sweeping program or if there was any type of a probationary period.

Dep. Dir. of Public Works Ocampo stated that they had checked with other cities in San Mateo County and that was the normal length of the contract because you get a better price that way.

City Manager Rhodes commented that the reason they didn't do that with the street lights was because they were looking at some other changes there, and they didn't want to do a longer term contract with that one.

Mayor Nihart asked if they had an option to renew for five years or up to five years.

Dep. Dir. of Public Works Ocampo stated that it was up to five years.

Councilmember Stone referred to the street lights and asked staff if they would get a report at the eight-month mark or would staff just recommend that we sign a longer term contract.

City Manager Rhodes responded that they would, if that was the direction in which they went.

There were no public comments.

Councilmember Digre moved that the City Council approve the Street Light Maintenance Contract with Republic Intelligent Transportation Service (Republic ITS) and Street Sweeping Services Contract with Clean Street Company for the Street Light Maintenance Program and Street Sweeping Program, respectively; and authorize the City Manager to execute the agreements; seconded by Councilmember Vreeland.

Mayor Nihart thanked staff for all their efforts. She acknowledged that this was difficult and they had a lot going on.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

10. Approval of Design and Rules for the Proposed Dog Park Project Located at the Pacifica Center for the Arts Site and Authorization to Advertise for Sealed Bids for the Dog Park Construction Project.

PB&R Director Perez presented the staff report.

Mayor Nihart stated that she understood the view issue, but mentioning that her neighborhood removed a dead tree and they were hearing tons of traffic noise. She asked if, by removing the trees and graveling it in, they were buying a different problem down the road that they will hear about regarding dogs.

PB&R Dir. Perez stated that they were talking about trees between the buffer zone and neighbors. He stated that the neighbors questioned who would maintain it and they would rather plant things on their side of the fence and be responsible for them. He stated that there was access to some backyards and it was important for them to be in charge of their own trees.

Mayor Nihart mentioned hearing about graffiti during Oral Communications, and asked, if they decreased the lighting or added no additional lighting, what issues would that create for graffiti on the backs of fences.

PB&R Dir. Perez stated that, as she mentioned, there would be no additional lighting. They didn't want people to think they could use the park when it's dark.

Mayor Nihart confirmed that it was not additional lighting after hours.

PB&R Dir. Perez stated that, at the buffer zone, there would be a fence on either end and you would not be able to walk back behind the dog park and next to the neighbors' fence.

Councilmember Digre asked clarification that they were talking about not taking down trees, but not putting in trees between the houses.

PB&R Dir. Perez responded affirmatively, clarifying that they thought about putting trees between the dog park and the fence and they decided they were not going to do it.

Mayor Nihart opened public comments.

Lawrence I'Anson, Portsmouth, VA, stated that he didn't fly from Virginia to speak on the project. He stated that, as he would have been directly affected by the project had it been in existence today, he felt it was important for him to make a comment for their consideration. He explained that he was one of ten serious photographers who appear at Steven Johnson's Photography Studio at the Center for Arts. He felt that, had the dog park existed today, they would have been seriously impaired in a learning experience. He asked them if they would want their children to go to a school with barking dogs next door to it or would they want to hold a Council meeting next to a dog park with barking dogs. He added that perhaps "the train has already left the station" and it's too late to do anything about it, but he felt that he was in a position to evaluate how it might impact his learning experience and thought they should hear from him.

Mayor Nihart acknowledged that they were talking about the design at this time. She thanked him for his comments.

Kevin McGee, Pacifica, stated that he was probably also late to the party. He stated that he was a member of the Art Guild of Pacifica and Pacifica Performances and also lived a half block away from the location. He thought he should have brought this up a couple of years ago. He mentioned that, when he thinks of any type of Center for the Arts and a dog park, he doesn't normally think of them in the same kind of concept, giving an analogy as an example. He mentioned that normally he sees dog parks in other towns near park locations. He mentioned that some had mentioned Frontierland Park as an option and the old Sanchez School on Rosita but he didn't get the synergy with this project. He thought possibly the people supporting this lived nearby and it was convenient for them. He does realize they need a dog park. He understood where Steven Johnson was coming from and supported him, stating that if he had his studio and

business there, he would not want something like this nearby regardless of how loud it could get. He wondered, since that was a Center for the Arts, why they wouldn't keep the land for something in the future, such as expanding the Art Center. He questioned why we would want to put a dog park there since it didn't seem congruent. He also realized that the "train may have left the station" but he wanted to make his thoughts known.

Beverly Kingsbury, Pacifica, thanked the Council for their attention to this project. She gave a recap and update. She mentioned that the difference between a successful dog park and one that was not successful was the involvement of community groups such as POOCH. She reminded them of POOCH's commitment to inclusiveness and community involvement, mentioning that they do beach cleanups, unofficial dog waste patrols and pet oriented donations at the Resource Center. She then recapped the process involved to get the approval of this site and now they were working with the community, as well as using suggestions from professional sources and best practices from neighboring cities, etc. She hoped that they have demonstrated their involvement and ability to work with the community in the past as well as after the park is built.

Forrest Parnell, Pacifica, stated that he lives in one of the houses directly behind the dog park location, adding that he was glad they had made a few comments before he spoke. He stated that there were no trees now, and they asked that no trees be put between the fence and the new fence, as they like seeing the trees, grass and open space and they didn't want to have that blocked. Regarding lighting, they didn't want additional lights to avoid people going at night and to prevent lights shining in their eyes at night. He stated that the main concern was the barking dog issue. He stated that the PB&R Commission spent a lot of time on that rule, and he felt that the dogs were not the ones who made the noise but the people. He stated that one rule was in reference to excessive or loud conversations and the only other issue was people talking on their cell phones. He stated that, 99% of the time, he didn't hear barking dogs, adding that his bedroom was only 12 feet away. He stressed that it was people except for the occasional owner training their dog. He thought it was a great idea that the PB&R discussed putting this on the agenda for followup to discuss issues that come up. He thanked Mike Perez, his team and Beverly for involving the neighbors in the process and listening to their concerns. He stated that with every issue brought up, they felt they were heard. He stated that now, following his involvement in the process and seeing how things were done, he encouraged them to approve the dog park.

Steven Johnson, Pacifica, acknowledged that they were people of good will and good intentions and they had a legitimate aspiration for a place to run their dogs. He mentioned that he has been here for 26 years and has tried to make a significant contribution to the community, environmentally, arts and business. He stated that his business was in financial stress but continues because of his reputation to draw people to the community, such as Larry, adding that this week he had a full class with people from various East Coast locations. He then stated that there was a fundamental incompatibility between a dog park and arts education. He stated that he had a lease that gave him the right to quiet enjoyment and he will have to pursue his rights if this project goes forward to ensure that his lease was honored. He would like a dog park for Pacifica, but he didn't think this was a good location for it. He stated that the design as rendered is an indication of the fundamental incompatibility because, despite his concern about directing traffic right next to his classroom, there has been no practical way to redesign that entrance so that the traffic is not directly next to his classroom and indicates that this is not a good site for the dog park. He realized that it was late in the process and was not aware of any public meetings until September 2010 but has been at every meeting since. He has a great concern about the survival of his business. He mentioned the suitability of lower Frontierland Park which has restroom facilities and no immediate neighbors and would not impact a local businessman who was trying

to survive. He pleaded with them, at this late date, to reconsider the location of the park. If they cannot do that, he asked that they recognize that the design as planned was realizing his greatest fears about the impact on his business by putting the traffic directly next to where he has spent an extensive amount of money in the education center. He stated that he would not be relocating in Pacifica if this contributes to the closing of his business. He realized that relocation of the park was not exactly on the agenda, but he was pleading with the Council to do so.

Mayor Nihart closed public comments.

Mayor pro Tem DeJarnatt stated that it was unfortunate that there weren't good locations for the site. He felt this site met the requirements as closely as they can find. He feels badly for Mr. Johnson, but he didn't see that they were that incompatible. He really felt it could work. He appreciated the interest in the community demonstrated by POOCH, as shown by an immediate neighbor speaking in favor of the project. He clarified that this was being paid by Parkland dedication fees and not coming directly from city money. He supported this and reiterated that he felt that both can coexist.

Councilmember Digre thought all the involved groups, staff, neighbors, POOCH, have worked diligently together and have listened to others. She was confident that they would continue to keep that up. Until now, she had not understood Mr. Johnson's concern about the traffic but rather the concern about dogs barking and people speaking. However, she felt it was evident that everyone was working together for solutions, and she thought, if something comes up, they can put their heads together and mitigate traffic issues. She understood about dog barking and was relying on the compassion, intelligence and generosity of the dog owners themselves.

Councilmember Vreeland stated that this was difficult. He felt, if it wasn't for Mr. Johnson and his concerns, POOCH had really done a wonderful job of working with the community and neighbors for the past five years to bring a solution for this issue. He was hopeful, as Mayor pro Tem was, that this won't be the impact on his business that Mr. Johnson fears. He stated that they have walked the site and had discussions about a resource that was a school and now was an art center, etc., and was a jewel with beneficial uses for the area. He hoped that he was not wrong and that this will bring additional people coming who didn't know about his studio in addition to those who travel from other areas to be part of his class. He stated that the present issue was about the design. He thanked POOCH and the neighbors, adding that he was sickened by the impact that Mr. Johnson feels that it will have on his business. He was hopeful that it will be more positive than negative once the area is cleaned up and improved to what it will look like.

Councilmember Stone echoed the comments about the compatibility of the site which will be work for all parties. He felt it would be nice to see an investment in that location that the community will be happy with at the end of the day. He thanked POOCH and the community for participating in outreach and making sure everyone was heard.

Mayor Nihart clarified that they were not talking about the location at this time, mentioning that they had solid reasons why Frontierland Park could not be used and they had looked at a number of different sites. She appreciated that, the first time she saw a sketch, there was a gate that was closer to Mr. Johnson's studio, and now that gate was moved around to the new parking addition. She appreciated staff working with neighbors.

City Manager Rhodes thought that the gate she mentioned was the maintenance gate.

Mayor Nihart asked where they come in. She then commented that the actual gate was even in a better location. She stated that the purchase of the land between two government entities was very inexpensive and one requirement was that it must stay for recreational public uses. From that standpoint, she mentioned that there were a lot of controversial issues about the Art Center and why it was the teaching end of the business, not the commercial end, that was important. She appreciated POOCH's efforts throughout the process, and their tenacious effort to work with the community was laudable since the beginning, mentioning all their efforts such as raising \$25,000 for this project. She stated that they showed every indication of continuing to be involved. She asked confirmation that it was coming back for discussion if there were problems.

PB&R Dir. Perez responded affirmatively.

Mayor Nihart thought that, if it was monitored over time, this was the best piece of this, adding that she loved the large dog versus small dog area because those were some of the problem areas. She appreciated what Mr. Parnell said because it was commendable about working together, and someone who was against it has moved so far in the other direction. She reiterated that she appreciated the work of the community, the group and PB&R.

Councilmember Digre moved to approve the proposed design and rules for the dog park project to be located on the east side of the Pacifica Center for the Arts site (1220 Linda Mar Blvd.). Authorize staff to advertise for sealed bids for the dog park construction project; seconded by Councilmember Vreeland.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

11. Amending Resolution No. 37-2009 "A Resolution of the City Council of the City of Pacifica Creating an Economic Development Committee" to Expand the Membership of the Economic Development Committee.

City Manager Rhodes presented the staff report.

Mayor Nihart asked if they could add one more member to this to balance out the odd and even piece of it, or can they do whatever they are doing.

City Manager Rhodes stated that they can do that. He stated that the number was in the resolution so they can simply make that change.

Mayor Nihart assumed the whole thing was up for discussion.

City Manager Rhodes stated that it wasn't but it was there, so they could add that into what they were adopting.

Mayor Nihart clarified that they were designating an additional seat for the Chamber and they could add an additional seat to make it an odd number again.

City Manager Rhodes stated that it said seven community members and they can change that to whatever number they want.

Mayor Nihart stated that they could make it eight and then, if they have nine members, they would be odd again.

Councilmember Stone stated that was why he was putting on his light, because it made sense. He felt the committees were an odd number for a reason. He thought it was an opportune time because they had five great candidates interview and put their applications in for the Economic Development Committee and he would support moving to eight members plus the Chamber seat totalling nine.

Councilmember Digre stated that she didn't have a problem with the Chamber but she did have a problem with the way it was set up in three different sections in the committees.

She is against making one of those five have a specific seat. She would prefer one of the two other scenarios, encouraging them to join a subcommittee or even requesting them to do so or, her preference was that once the Economic Development Committee determines what they feel is good, they pass it by each of the five basic elements before coming to Council.

Councilmember Stone stated that he wasn't quite clear on what she had proposed.

Councilmember Digre stated that the economy was based on more than business and the Chamber was for businesses. The economy of a city involves the businesses, the culture, the environment and the cultural and she felt they deserved equal status in the thought processes and involvement of creating an economic development plan. She felt, if they gave it to the Chamber to have a specific seat, it was not really equitable and she suggested that anything an Economic Development Committee comes up with be vented before the Chamber, the environmental, sports, cultural and historical.

Mayor Nihart asked if it was true when they first started this that they were trying to make it ... She then held off on her comments and decided to invite public comment first.

There were no public comments.

Mayor Nihart stated that, from the beginning, they made sure to have a representative, Courtney Conlon, as a member of the Committee, mainly to have the business community feel recognized in a formal way. She stated that were formalizing the seat that goes to them. She didn't disagree with the intent of what Councilmember Digre was saying, but she believes they have done that by incorporation of the subcommittees throughout in terms of inviting community members in and, when you start naming the other seats, she didn't know where to stop. She felt there were many aspects of this that they might want to look at in terms of the subcommittee, and the committee can move forward, but the primary objectives were the three in the resolution.

Councilmember Vreeland also understood where Councilmember Digre was coming from, then asked if he was correct that these were all public meeting.

City Manager Rhodes responded affirmatively.

Councilmember Vreeland asked if he was also correct that this was not a decision making body.

City Manager Rhodes stated that it was a recommending body to the City Council.

Councilmember Vreeland felt that the five groups mentioned would have an opportunity, because they weren't making a decision but a recommendation. And then, their recommendation would be acted upon when the groups come together. He felt it was incumbent on the Council and the community groups that, when an issue was coming up for a specific item, they become part of the public process. He believed adding five new members to the board sometimes got unwieldy. He thought they came up with a good approach of bringing the Chamber in by a more formal fashion which he felt was more than appropriate for the Economic Development Committee, and he felt adding an additional member would be a good way to balance it out.

Councilmember Digre stated that she didn't prefer the five extra which she agreed would be unwieldy and she would rather have them referred to for venting. She stated that she knew they wanted the Chamber CEO to be present, and she didn't see why it couldn't continue to remain that way. She reiterated that she was concerned about making a specific seat for one entity of development.

Councilmember Vreeland moved that the City Council adopt the resolution next in order "A Resolution of the City Council of the City of Pacifica Amending Resolution No. 37-2009 Creating an Economic Development Committee" to expand the membership to include a member as designated by the Board of the Pacifica Chamber of Commerce and one additional at large member from the community which will bring the total number of the committee members to nine total including the Chamber representative.

Acting City Attorney Kenyon stated that he would want to say that they were adding a representative next in order as amended, because they were including something in addition to what was before.

Councilmember Vreeland moved adoption of the resolution as amended as well as the factual statements put into the motion; seconded by Councilmember Stone.

Councilmember Digre asked if the maker would like to put that into two separate motions; one, regarding the Chamber and, two, regarding expanding the number.

Councilmember Vreeland stated that he could if she would feel better about that.

Councilmember Digre stated that she would say no on the Chamber part, but she would say yes on the expansion.

Councilmember Vreeland stated that he could do that unless the City Attorney had an issue.

Acting City Attorney Kenyon stated that he could if he would want to have two separate resolutions. If he has one resolution for this item, it would be difficult to separate it out.

Councilmember Vreeland clarified that one would be "as next in order" which was what they were doing, and the second would be adding an additional member as amended.

Acting City Attorney Kenyon stated that he could do it that way and they would have two resolutions.

Mayor Nihart reminded them that they had a motion and a second on the floor now.

Councilmember Vreeland stated that he could pull his motion but Councilmember Stone has to pull his. He was trying to give Councilmember Digre consideration for her request.

Councilmember Digre stated that it sounded good to her.

Acting City Attorney Kenyon suggested that the maker of the motion would want to make the motion as recommended in the staff report and another Councilmember would make an additional motion after that to add another seat.

Councilmember Vreeland asked Councilmember Stone if he was okay with pulling the previous motion.

Councilmember Stone stated that he was fine with that.

Councilmember Vreeland moved the adoption of the resolution next in order "A Resolution of the City Council of the City of Pacifica Amending Resolution No. 37-2009 Creating an Economic Development Committee" to expand the membership to include a member as designated by the Board of the Pacifica Chamber of Commerce; seconded by Councilmember Stone.

ROLL CALL VOTE:

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

Noes: Councilmembers: Digre.

Motion passed: 4-1.

Councilmember Stone asked if someone else needed to make the motion.

Acting City Attorney Kenyon stated that it wasn't necessary, but that she needed clarification. She asked if they would like a formal resolution for this action as well. If so, her recommendation would be to have the Council make the motion and a resolution would come back on the consent calendar for the next week.

Councilmember Vreeland stated that they have the votes tonight.

Acting City Attorney Kenyon suggested that they do it as a minute order because they do not have the resolution in front of them to adopt.

Mayor Nihart clarified that it was to add an additional seat.

Acting City Attorney Kenyon stated that she was correct.

Mayor Nihart asked if they needed a motion and a second for that.

Acting City Attorney Kenyon responded affirmatively.

Councilmember Vreeland referred to Roberts Rules of Order and asked "a minute order?"

Acting City Attorney Kenyon stated that it would be a minute order. It was not a resolution because they did not have a resolution in front of them.

Councilmember Vreeland understood about doing that on the fly, but he again asked what a minute order was.

Acting City Attorney Kenyon stated that it was a formal action of the City Council without written documentation. It would be reflected in the minutes.

Councilmember Vreeland thought he had a minute to say it.

Mayor Nihart asked if it would actually amend the resolution.

Acting City Attorney Kenyon stated that it would, creating another resolution in effect without the actual resolution.

Councilmember Vreeland moved the adoption of the amended order to add one additional at large member from the community to the City of Pacifica's Economic Development Committee, making the total nine members; seconded by Councilmember Stone.

Acting City Attorney Kenyon stated that the City Manager has made a point that, in fact, the minute order motion should say the committee would be made up of eight plus an additional one.

City Manager Rhodes explained that eight community members was the number to be changing. If they say nine, they end up with ten.

Acting City Attorney Kenyon asked him to ask the seconder if he understands the clarification.

Councilmember Stone stated that he understood the clarification. He then asked if they would be able to vote on two people tonight.

City Manager Rhodes responded affirmatively.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

12. Appoint Citizens to Fill Vacancy on the Economic Development Committee.

City Clerk O'Connell presented the staff report.

Councilmember Stone asked if they would have questions from the public.

City Clerk O'Connell stated that they needed to open it to the public.

There were no public comments.

Councilmember Stone thanked all the people who applied and, if they were starting the committee from scratch, that would have been a great nucleus for a new body, but they have to choose only two. His two votes were for Vasudev Narayanan and Victor Spano.

Mayor pro Tem DeJarnatt chose Morning Nichols and Victor Spano.

Mayor Nihart underscored what Councilmember Stone said, because she thought all of them were great. She chose Vasudev Narayanan and Victor Spano.

Councilmember Vreeland chose Victor Spano and Morning Nichols.

Councilmember Digre chose Morning Nichols and Vasudev Narayanan. She encouraged all of them to be part of the subcommittees.

Mayor Nihart stated that they have four votes for Victor Spano, and he was on and they now take him out of the mix and they vote for the other.

Acting City Attorney Kenyon stated that they go through the same process but just pick one.

Councilmember Stone stated that he was lobbying for Vasudev Narayanan who was the owner of Oceana Market, which was the largest business in Eureka Square. He had a lot of experience dealing with large businesses, etc., and he was voting for him.

Mayor pro Tem DeJarnatt chose Morning Nichols.

Mayor Nihart stated that she spoke with Morning and she has attended all the meetings and will continue to support it in other aspects. She commented that one area they want to attend to with economic development was the aging business districts. She stated that Vasudev's experience, plus being in one of the shopping malls where they want to make movement, was why she was voting for him.

Councilmember Vreeland appreciated both of their comments, including Morning Nichols and her attendance and the previous discussion making sure that all the different groups were part of the process such as arts, etc., and Morning was participating. He stated that Vasudev has done such a wonderful job on Oceana Market that he would like to vote for him.

Councilmember Digre commented that, as before, economy is more than individual businesses, she would like to see business and culture and she has attended all meetings so she was sticking with Morning Nichols.

Mayor Nihart stated that it was 3-2 and it looked like Vasudev was the choice.

31. Approval of Consultant Services Agreement between the City of Pacifica and Tanaka Design Group for the Engineering Design and Preparation of Final Project Plans and Specifications, and Bid Documents in Connection with the Palmetto Avenue Streetscape Project.

Mayor Nihart recused herself from this item.

Dep. Dir. of Public Works Ocampo presented the staff report.

Councilmember Stone stated that he wanted it taken off the consent calendar so people can hear about the project and that we are moving forward on the streetscape, adding that the design phase

was interesting because everyone has an opinion on the design. He felt it was great that it was moving forward and they can get closer to having a revitalized business district on Palmetto.

Councilmember Stone moved to approve the consultant services agreement for the Palmetto Streetscape plan and authorize the City Manager to sign the agreement; seconded by Councilmember Vreeland.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 4-0.

Mayor pro Tem DeJarnatt adjourned the meeting to Closed Session at 9:00 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

City Council meeting

Kathy O'Connell, City Clerk

APPROVED: 4-0; 7/25/11 Councilmember DeJarnatt absent

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