

CITY OF PACIFICA CITY COUNCIL AGENDA

MAYOR PETE DEJARNATT
MAYOR PRO TEM JIM VREELAND
COUNCILMEMBER CALVIN HINTON
COUNCILMEMBER JULIE LANCELLE
COUNCILMEMBER SUE DIGRE

CITY COUNCIL CHAMBERS
2212 BEACH BOULEVARD
PACIFICA, CALIFORNIA 94044

January 8, 2007

www.ci.pacifica.ca.us

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5:00 P.M. CLOSED SESSION

1. In accordance with Government Code Section 54957. Public Employee Appointment: City Manager Appointment.
2. In accordance with Government Code Section 54956.8. Conference with real property negotiator: Discussion concerns price and terms of payment: Agency negotiator attending session: William C. Norton: Property: 43 Birch Lane (APN: 016-294-520) Negotiating parties: City of Pacifica and Public Administrator County of San Mateo.
3. In accordance with Government Code Section 54956.8. Conference with real property negotiator: Discussion concerns price and terms of payment: Agency negotiator attending session: William C. Norton: Property: 2212 Beach Boulevard, Pacifica. Negotiating parties: City of Pacifica and Kiwi Properties, LLC; Marchetti/Sochin and Skyfield USA.

7:00 p.m. REGULAR COUNCIL MEETING

Call to Order
Roll Call
Salute to the Flag led by Councilmember Lancelle
Commission Liaisons: None
Chamber of Commerce Liaison: None

CONSENT CALENDAR

In a single motion, the City Council will consider and act upon Items 1 through 7.

1. Approval of disbursements dated 12/05/06 to 01/03/07 in the amount of \$2,378,289.57. Regular and quick checks numbered 81585, 81587 to 81589 and 114254 to 114674 (**Proposed action:** approve)
2. Approval of Minutes of regular City Council meeting of December 11, 2006 and Special City Council meeting of December 19, 2006 (**Proposed action:** approve Minutes)
3. Adoption of Resolution Amending the Conflict of Interest Code (**Proposed action:** adopt the resolution next in order "A Resolution of the City Council of the City of Pacifica Amending Exhibits A and B of the Conflict of Interest Code")
4. Amendment to Agreement with Claims Management Service for Workers Compensation Claims Administration (**Proposed action:** approve amendment to agreement with Claims Management Service (CMS) to provide Workers Compensation Administration services for the period of January 1, 2007 to December 31, 2007)

5. Memorandum of Understanding with Teamsters Local 856 Representing City of Pacifica Battalion Chiefs from August 1, 2006 through June 30, 2007 (**Proposed action:** adopt the resolution approving the Memorandum of Understanding with Teamsters Local 856 representing the City of Pacifica Battalion Chiefs and direct staff to execute final Memorandum of Understanding with the bargaining unit)
6. Side Letter to the Memorandum of Understanding with Department Directors Unit, Teamsters 350 (**Proposed action:** approve the side letter between the City of Pacifica and the Department Directors Unit Teamsters 350 adding longevity pay for employees with 24 years of consecutive service as a Department Manager or Director exclusively with the City of Pacifica)
7. Amendment to PARS (Public Agency Retirement Services) Agreement for the Implementation of the Excess Benefit Plan under the City of Pacifica PARS Retirement Enhancement Plan (REP) (**Proposed action:** approve the implementation of the Excess Benefit Plan under the City of Pacifica's PARS Retirement Enhancement Plan and direct staff to execute the Excess Benefit Trust Agreement, Excess Plan Document, Investment Strategy Selection Form, High Mark Disclosure Statement and Trustee Fee Services Schedule)

SPECIAL PRESENTATION

Comcast – Sue Buske
 Pacifica Historical Society – Frank Winston

COUNCIL COMMUNICATIONS

The purpose of Council Communications is for Councilmembers to inform each other of items of potential interest to other Councilmembers, such as interagency meetings. Each councilmember is allotted three minutes.

ORAL COMMUNICATIONS

This portion of the Agenda is available for the public to address the City Council on any issue that is not on the Agenda. A maximum time of three minutes will be allowed for any speaker.

PUBLIC HEARING

During public hearings, an applicant or their agent and appellants have ten minutes for their opening presentation and three minutes for rebuttal before the public hearing is closed. Members of the public are limited to three minutes.

None.

CONSIDERATION

8. An Ordinance Amending Chapter 2 of Title 2 of the Pacifica Municipal Code Section 2-2.105, Article 1, Membership: Terms and Limitations for Commissioners (Proposed action: 1) move that the ordinance next in order entitled “An Ordinance of the City Council of the City of Pacifica Amending Chapter 2 of Title 2, Section 2-2.105 of the Pacifica Municipal Code Regarding Terms and Limitations for Commissioners” be read by title only and that further reading be waived; 2) move introduction of the ordinance)
9. Resolution Creating an Administrative Policy for Implementation of the Fireworks Ordinance (**Proposed action:** adopt resolution creating an administrative policy for implementation of the fireworks ordinance)

ADJOURNMENT

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NOTICE: If you challenge a city's zoning, planning or other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Judicial review of any city administrative decision may be had only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

The City of Pacifica will provide assistance for disabled citizens upon at least 24 hours advance notice to the City Manager's Office (650) 738-7301, or send request via email to: o'connellk@ci.pacifica.ca.us If you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to the disabled.

The Pacifica Municipal Code is available on line at the City's website (www.ci.pacifica.ca.us); at the website, scroll down to find the Link.

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Posted agendas:

Agendas are posted the Friday prior to the City Council meeting date, at the entrance to City Hall, 170 Santa Maria Avenue

View on the Internet:

Follow the link to Council agenda, at www.ci.pacifica.ca.us/cityhall/agenda.html

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Send a request to Kathy O'Connell, at o'connellk@ci.pacifica.ca.us

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Council meetings:

A complete agenda packet is available for review at the City Council meeting.

HOW TO REACH YOUR LEGISLATORS

- Governor Arnold Schwarzenegger, State Capitol Building, Sacramento CA 95814 (916) 445-2841
- State Senator Leland Yee, 1370 24th Avenue, San Francisco, CA 94122 (415) 242-8197
- Assemblymember Gene Mullin, 1528 So. El Camino Real, Ste 302, San Mateo CA 94402 (650) 341-4319
- Congressman Tom Lantos, 400 So. El Camino Real, Ste 410, San Mateo CA 94402 (650) 342-0300
- Senator Barbara Boxer, 1700 Montgomery Street, Ste 240, San Francisco CA 94111 (415) 403-0100
- Senator Dianne Feinstein, #1 Post Street, Ste 2450, San Francisco CA 94104 (415) 393-0710

CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT

January 8, 2007

Agenda Item No. 3

SUBJECT:

Adoption of Resolution Amending the Conflict of Interest Code

ORIGINATED BY:

City Manager's Office

DISCUSSION:

At the October 23, 2006 City Council meeting, staff was directed to publish the Notice of Intention to Amend a Conflict of Interest Code, which established a written comment period commencing on October 24, 2006 and terminating on December 7, 2006. There were no written comments and no request for public hearings made by any interested parties during the above-mentioned time frame concerning the proposed amendments.

Staff recommends the adoption of the resolution amending the City of Pacifica's Conflict of Interest Code incorporating Exhibit A (Designated Positions) and Exhibit B (Disclosure Categories). An explanation of the changes and an organizational chart are attached.

ATTACHMENTS:

Resolution
Exhibit A Designated Positions
Exhibit B Disclosure Categories
Explanation of changes
Organization chart

COUNCIL ACTION REQUESTED:

Adopt the resolution next in order "A Resolution of the City Council of the City of Pacifica Amending Exhibits A and B of the Conflict of Interest Code"

CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT
January 8, 2007

Agenda Item No. 4

SUBJECT:

Amendment to Agreement with Claims Management Service for Workers Compensation Claims Administration

ORIGINATED BY:

Human Resources

DISCUSSION:

The City has recently joined a joint powers insurance authority, Municipal Pooling Authority (MPA), for workers' compensation insurance coverage but all claims filed prior to July 1, 2006 continue to be handled by Claims Management Service (CMS). The City is working with our new insurance authority (MPA) to transfer the old claims over for MPA administration. After review of the claims history and evaluation of the remaining claims, MPA has recommended that the City extend the contract with CMS for one more year to allow for a smooth transition of older claims in December 2007.

The City will continue to work with both claims administrators until December 2007. Municipal Pooling Authority estimates that they will be able to provide the administrative services for the older claims (known as the tail claims) for \$5,000 per year when the transition is made.

FISCAL IMPACTS:

The new rate is the same as previous years. The new fee will be included in the FY 2006-07 budget.

ATTACHMENTS:

- Amendment to Agreement between the City of Pacifica and Claims Management Services for Workers Compensation Claims Administration Services of Consent to Self Insure Workers' Compensation Liabilities

COUNCIL ACTIONS REQUESTED:

Approve Amendment to Agreement with Claims Management Service (CMS) to provide Workers Compensation Administration services for the period of January 1, 2007 to December 31, 2007.

CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT
January 8, 2007

Agenda Item No. 5

SUBJECT:

Memorandum of Understanding with Teamsters Local 856 representing City of Pacifica Battalion Chiefs from August 1, 2006 through June 30, 2007.

ORIGINATED BY:

Human Resources Department

DISCUSSION:

The City has met with City of Pacifica Battalion Chief's to discuss a new Memorandum of Understanding (MOU) and develop a contract agreement for the coming year.

The bargaining unit has ratified the respective agreement with the members of their unit and staff is prepared to implement a full contract with each unit pending approval by the City Council.

The agreement represents the efforts of the City to address the increasing costs of health care, the increasing cost of living in the Bay Area and the commitment to providing parity with a neighboring jurisdiction in which the Battalion Chief position provides services and shares similar responsibilities. The term of the agreement is for 11 months.

FISCAL IMPACTS:

The increases for FY 2006/07 have been included in the FY 2006/07 budget.

ATTACHMENTS:

Memorandum of Understanding with Teamsters Local 856 representing the City of Pacifica Battalion Chiefs

COUNCIL ACTIONS REQUESTED:

Adopt the Resolution Approving the Memorandum of Understanding with Teamsters Local 856 representing the City of Pacifica Battalion Chiefs and direct staff to execute final Memorandum of Understanding with the bargaining unit.

CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT
January 8, 2007

Agenda Item No. 6

SUBJECT:

Side Letter to the Memorandum of Understanding with Department Directors Unit, Teamsters 350

ORIGINATED BY:

Human Resources

DISCUSSION:

The City of Pacifica desires to create an incentive for Department Directors with 24 or more years of department manager or director service with the City of Pacifica to stay with the City additional time. The City recognizes that individuals with twenty-four years of Pacifica department director service are valuable assets both in terms of institutional knowledge and the ability to provide leadership. The City hopes that adding longevity as an incentive will encourage long-term directors to continue to serve the City of Pacifica.

FISCAL IMPACTS:

The implementation of this benefit will be \$14,000 annually.

ATTACHMENTS:

Side Letter Adding Longevity Pay in the Section 5.1 Rates of Pay.

COUNCIL ACTIONS REQUESTED:

Approve the Side Letter between the City of Pacifica and the Department Directors Unit Teamsters 350 Adding longevity pay for employees with 24 years of consecutive service as a Department Manager or Director exclusively with the City of Pacifica.

CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT
January 8, 2007

AGENDA ITEM NO. 7

SUBJECT:

Amendment to PARS (Public Agency Retirement Services) agreement for implementation of the Excess Benefit Plan under the City of Pacifica PARS Retirement Enhancement Plan (REP).

ORIGINATED BY:

Human Resources

DISCUSSION:

The City provides a supplemental retirement program for confidential, non-represented employees. At the point that one of the employees in this unit retires and the employee exceeds the IRS Section 415 benefit limit, the City and Public Agency Retirement Services (PARS) is required to implement the documents to establish a Excess Benefit Plan.

The implementing documents establish the plan, terms of the plan (including plan provisions and benefit levels), investment strategies and fees earned by the investing advisor and trustee fee schedules. The plan documents mirror the established REP and for IRS purposes establish this program for any individual who exceeds the limits of the REP.

FISCAL IMPACTS:

The original Resolution No. 13-2003, which established the REP, also set a no cost implementation of an Excess Benefit Plan. There is no additional cost to implement this program.

ATTACHMENTS:

Excess Benefit Trust Agreement
Excess Plan Document
Investment Strategy Selection Form
High Mark Disclosure Statement
Trustee Fee Services Schedule

COUNCIL ACTIONS REQUESTED:

Approve the implementation of the Excess Benefit Plan under the City of Pacifica's PARS Retirement Enhancement Plan and direct staff to execute the Excess Benefit Trust Agreement, Excess Plan Document, Investment Strategy Selection Form, High Mark Disclosure Statement and Trustee Fee Services Schedule.

CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT

January 8, 2007

AGENDA ITEM NO. 8

SUBJECT:

An ordinance amending Chapter 2 of Title 2 of the Pacifica Municipal Code Section 2-2.105, Article 1, Membership: Terms and limitations for commissions.

ORIGINATED BY:

Parks, Beaches and Recreation Department

DISCUSSION:

In the current Municipal code, commission member terms are four (4) years, limited to two (2) consecutive full terms. A commission member may be reappointed to the same commission after having served two (2) consecutive full terms if there are insufficient eligible applicants to fill a vacancy. Commission members may be reappointed to the same Commission after an interval of one year from the termination of their term.

The Parks, Beaches, and Recreation Department has long term projects in which it would be beneficial to maintain the involvement of productive commissioners for a length of time providing a Commissioner has an interest to continue. The Skatepark, a 7 year-long project, is a prime example. The department is moving forward with long term plans to renovate playgrounds and parks. Staff would like to provide the opportunity for commissioners to be able to reapply for additional 4 year terms, without having to leave the commission for a year, interrupting a productive cycle. Staff values the Commissioners knowledge, time, and research that they bring to the projects as a support for staff in this advisory capacity.

The Planning Director is also in agreement that the term limitation of the two 4 year cycles be reviewed to maintain qualified, productive, & experienced commissioners, which would be a benefit for staff and the community considering the many complicated projects that occur.

Staff would like to propose that the Municipal Code be changed to reflect four year terms, with the City Council, at its sole discretion, having the option to reappoint a commission member in good standing to the same commission.

FISCAL IMPACT:

None

ATTACHMENTS:

Ordinance Article 1 of Chapter 2 of Title 2

COUNCIL ACTION REQUESTED:

1) Move that the ordinance next in order entitled "An Ordinance of the City Council of the City of Pacifica Amending Chapter 2 of Title 2, Section 2-2.105 of the Pacifica Municipal Code Regarding Terms and Limitations for Commissions" be read by title only and that further reading be waived

2) Move introduction of the ordinance

CITY OF PACIFICA

CITY COUNCIL AGENDA SUMMARY REPORT

January 8, 2007

Agenda Item No. 9

SUBJECT:

Resolution creating an Administrative Policy for Implementation of the Fireworks Ordinance

ORIGINATED BY:

Finance

DISCUSSION:

The City Council asked the Finance Department to coordinate a meeting of the fireworks permit non-profit groups to resolve an inequity in the application process for fireworks permits.

There was a meeting on Friday, December 8 whereby the majority of fireworks permit applicants attended to discuss among themselves a solution to the problem. The group started by cutting down the list from 51 to 36 non profit groups. The administrative policy will grandfather the 36 groups and put a cap on the number of applicants applying for the permit at 36 with a desired goal of 30 through attrition. The process will change from a lottery drawing to a rotation/ranking process beginning with the next group of 15 that are due for a permit in 2007; the remaining applicants will be drawn and ranked 16-36. In 2008, numbers 16-31 will be granted permits and in year 2009, the remaining five plus the top ten from the original list in 2007. The rotation will continue year after year in ranked order. The Terra Nova groups were cut from 10 applicants down to two. The group decided that the public high schools should have permits every year. Terra Nova H.S. will receive two permits every year and Oceana H.S. will receive one permit every year. It was also agreed that if any organization forfeits its permit, it must go to the bottom of the ranked list before receiving the permit again.

Congratulations to the entire group that attended the meeting on December 8. Everyone came with the spirit of camaraderie and with a willingness to find a resolution that was agreeable to all.

FISCAL IMPACT:

None

ATTACHMENTS:

Administrative Policy
Resolution

COUNCIL ACTION REQUESTED:

Adopt a Resolution creating an administrative policy for implementation of the fireworks ordinance.