

• **MINUTES**

City Council Regular Meeting
2212 Beach Boulevard
Pacifica, CA 94044

April 28, 2008

Mayor Vreeland called the meeting to order at 5:30 p.m., stating that all councilmembers were present except for Councilmember Hinton 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 54956.9(b): Conference with legal counsel: anticipated litigation. One potential case.
2. PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): Conference with legal counsel: existing litigation. City of Pacifica v. Rohloff, San Mateo County Superior Court Case No. CIV 471308.
3. PURSUANT TO GOVERNMENT CODE SECTION 54956: Conference with legal counsel: pending legislation, Angel v. City of Pacifica et al. San Mateo County Superior Court Case No. CIV 464231.
4. PURSUANT TO GOVERNMENT CODE SECTION 54956.8: Conference with real property negotiator. Discussion concerns price and terms of payment. Agency negotiator attending session: Stephen Rhodes. Property: 1220 Linda Mar Blvd., Pacifica, California. Negotiating parties: City of Pacifica and Art Guild of Pacifica.

Mayor Vreeland called the meeting to order at 7:10 p.m.

Present: Councilmembers: DeJarnatt, Digre, Lancelle, and Vreeland.
Excused: Councilmembers: Hinton.

Staff Present: Steve Rhodes, City Manager; Cecilia Quick, City Attorney; Ann Ritzma, Administrative Services Director; Michael Crabtree, Planning Director; Van Ocampo, Deputy Director Public Works/City Engineer; Jim Saunders, Police Chief; Jim Lange, Senior Services Supervisor; Elizabeth Claycomb, Project Coordinator; Kathy O'Connell, City Clerk.

Councilmember DeJarnatt led the Salute to the Flag.

Commission Liaison: None.
Chamber Liaison: None.

CLOSED SESSION:

City Attorney Quick reported that the Council agreed 3 to one (Councilmember DeJarnatt, Councilmember Digre and Mayor pro Tem Lancelle Ayes; Mayor Vreeland abstaining; Councilmember Hinton excused) to approve settlement in the Angel litigation. She stated that the terms and conditions of the settlement would be available upon the completed drafting and signature of the final document.

CONSENT CALENDAR:

Councilmember DeJarnatt moved approval of the Consent Calendar, as amended, as follows: Approval of disbursements dated 03/25/08 to 04/11/08 in the amount of \$713,215.17, regular and quick checks numbered 81709, 120046 to 120050; and 120211 to 120406, as set forth in Item #1; Approval of Minutes of regular City Council meeting of April 14, 2008, as set forth in Item #2; Approval of Settlement Agreement, Maintenance Agreement and Grant of Easement and Direction of Staff to Proceed with the Installation of a Geobruigg Debris Flow Barrier on the Slope South of Big Bend Drive, as set forth in Item #3; Authorization to enter into a Construction Contract Change Order Numbers 3 and 4 with Petersen Dean Roofing Systems for a Total of \$107,453.50 to Repair the Rest of the Roofs of the Sharp Park Pump Station and Council Chambers Not Included in the Original Contract for the Sharp Park Pump Station Solar Project (Roof Seismic Upgrade – Phase I), and Authorization for Additional Budget Authority for \$88,151.00, as set forth in Item #4; Authorization of Contract Agreement with the Pacifica School District for Rental Space for Childcare Services for the 2008-2009 School Year, as set forth in Item #5; seconded by Mayor pro Tem Lancelle.

Councilmember Digre stated that she had corrections to the minutes, on page 3, where she mentioned that keeping the adults with developmental disabilities as part of the various programs was a blessing. She qualified what she meant, specifically that having citizens with developmental disabilities as part of the regular community was an asset for both them and the community. On the top of page 11, where she mentioned that she was proud of Joan Weideman's support of Measure N, she clarified that comment by explaining that Ms. Weideman had started off at the Democratic presentation by describing a special needs person with Downs Syndrome who was involved in the school process, which she felt was important and Councilmember Digre felt her presentation was good.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion carried: 4-0.

SPECIAL PRESENTATION:

Mayor Vreeland read the proclamation for the months of May, June and July as Relay for Life Months and further proclaimed May 3 as May Day for Relay and June 1 as Survivor Day and July 19 and 20 as the official Coastside Relay for Life.

Toni Boykin, Chair for 2008 Relay for Life, thanked the Mayor and Council for the proclamation and encouraged the audience to join their campaign to celebrate, remember and fight back. She also introduced Pam, a Team Captain, and her husband, who was their "go-fer." She briefly explained the agenda for the Relay on July 19 and 20. She also passed out some information. She mentioned that there was a lot of camaraderie during the Relay and hopefulness.

Mayor Vreeland agreed that he thought of hopefulness when he went to that event. He then read the proclamation for May as Older Americans Month.

Jim Lange, Senior Services Supervisor, thanked the Mayor and Council for recognizing Older Americans in May. He mentioned some of their contributions, and stated that they would be recognizing them at their Volunteer Recognition Party. He then introduced SIH Chair Florence Mattier to receive the proclamation.

Florence Mattier, SIH Chair, briefly mentioned some of the activities and classes that the volunteers actively sponsored and encouraged everyone to consider volunteering.

Mayor Vreeland commented that her inspirational words would be a nice way to start the Council meetings. He then read the proclamation honoring Robine Runneals for her volunteer work.

Robin Runneals thanked the Mayor and Council for the honor. She stated that she loved the community and volunteered because she loved it and felt it served a greater good.

Mayor Vreeland read the proclamation honoring Clark Natwick for his receipt of the Pacifica Open Space Preservation Award.

Noel Blincoe stated that several individuals would say a few words on Clark's behalf and then they would present him with the proclamation.

Penny Keating expressed her thanks and appreciation for Clark and his many contributions to the people of Pacifica.

Ron Maykel stated that he had known Clark for many years and was involved in crafting the proclamation, briefly mentioning how everyone appreciated Clark's contributions.

Ann Edminster stated that she was present to add her congratulations and appreciation to Clark, adding that he was probably the most steadfast individual the community had ever seen, mentioning some specific projects in which he was involved.

Jan Dutton mentioned some of Clark's specific contributions to the community, such as the monthly Beach Clean Up, and stated that he was so valuable because he leads by doing.

Noel Blincoe stated that, on working on the proclamation, they discovered Clark's history in the city, mentioning some of the specific volunteer activities in which he had been involved over the years, such as working with students. He then introduced Clark.

Mayor pro Tem Lancelle first shared her admiration for his work, mentioning some specific instances which she had personally experienced with him.

Clark Natwick briefly mentioned the process in creating the Open Space Committee. He stated that he was honored by all the kind things said and was appreciative of being nominated as the Open Space person for 2008. He concluded by stating that we should make every day Earth Day.

Noel Blincoe stated that Ranger Lyon from Half Moon Bay presented a gift to Clark for his endeavors for the snowy plover.

Ranger Lyon stated that the plaque honoring Clark Natwick as the recipient of the award for 2008 would be on display at the Community Center.

Mayor Vreeland thanked everyone who came to honor Clark. He stated that Clark was one of the first persons he ran into when he came to Pacifica, and he stated that his ongoing commitment was an inspiration for many people, and he thanked Clark for that.

COUNCIL COMMUNICATIONS:

Councilmember Digre expressed her appreciation for Clark, as well as the Open Space Committee and other volunteer groups. She stated that she had attended the Planning Commission meeting with the water department, mentioning that they were emphatic in pointing out that we wouldn't have any earth days if we didn't take care of our water. She mentioned that the East Bay was limiting water. She attended the swearing in of a new sergeant. She reported that the Town Hall for Youth meeting would be at Vallemar School on April 29 at 6:00 p.m. She mentioned that there was also a budget meeting coming up on April 29.

Mayor Vreeland clarified that there was a Council Study Session on April 29 at the Council Chambers at 7:00 p.m.

Councilmember DeJarnatt mentioned that the Earth Day celebration went very well and he thanked everyone who was involved in that.

Mayor pro Tem Lancelle encouraged the youth to attend the Town Hall meeting. She stated that she attended the San Francisco Golf Task Force meeting and heard the presentation, to keep track of San Francisco's disposition of Sharp Park Golf Course. She mentioned that Pacifica's Golf Task Force met also. She then stated that she had attended the CCAG meeting also. She stated that she went to the ABAG convocation which was very interesting. She also attended the SF Bay Area Water Quality Control District meeting which was very interesting. She thanked the Park Service for a great event on Mori Point on Saturday, and mentioned the Livability project's garden tour. She recognized Shirley Drye for the narrative about Mori Point. She asked the City Manager about the date for a proposed joint City Council/Planning Commission meeting.

City Manager Rhodes stated that it was tentatively planned for the month of July.

Mayor pro Tem Lancelle asked if both groups could submit agenda items.

City Manager Rhodes responded affirmatively, adding that they would be working on that as they got closer to the date.

Mayor pro Tem Lancelle asked if they had established a process for the Green Building Task Force.

City Manager Rhodes stated that staff would put together a report for the Council, suggesting that a task force be formed. He stated that they hoped to have it ready for the Council at the next meeting.

Mayor pro Tem Lancelle mentioned the process for a facility assessment report, and asked when they could expect that report to be completed.

City Manager Rhodes stated that the facilities plan, examining the space needs for City operations, should be complete by June.

Mayor pro Tem Lancelle mentioned that the West Sharp Park Advisory Committee would be having their first public input session on the streetscape design, and she was inviting everyone interested to set aside May 15 for the meeting at the Sanchez Performing Arts Hall.

ORAL COMMUNICATIONS

Mayor Vreeland opened Oral Communications.

Frank Winston, 553 Crespi Drive, mentioned upcoming events, May 1, the showing of a film called, "Take Me Out to the Ballgame," followed by a celebration on a theme of Giants and baseball in Pacifica. On May 3 was a spaghetti feed and silent auction as a fundraiser for Park, Beaches and Recreation. He stated that June 30 was the Giants baseball game, celebrating 50th anniversary of the founding of Pacifica and Giants coming to the Bay Area. He mentioned the 100th anniversary of the castle when it will be open to the public on the weekends of August 9-10 and 16-17.

Tod Schlesinger, Pacifica, stated that he was following up on the statements he made at the April 14 meeting regarding the Urban Land Institute report on redevelopment in Pacifica, stating that the reason the City was broke was because redevelopment was not done. He stated that there were identified redevelopment sites, and he felt that ignoring that fact was malfeasance. He stated that it was their duty to do their job and he felt they hadn't done their job.

Ian Butler, Pacifica, mentioned Earth Day, and the fact that Clark Natwick was out there then and the week after. He mentioned the polluted waterfall, stating that on Earth Day, a crew rappelled down the cliff and cleaned it up. He mentioned that San Francisco was being sued because of their plastic bag ban, and he proposed that Pacifica try education. In the meantime, he suggested enacting a Styrofoam to go container ban. He would like to get the ball rolling on that, and would like to hear the Council's ideas on that subject.

Bernie Sifry, Pacifica, was pleased that the City Manager was negotiating with the pooch people, and there was progress. Therefore, he was giving a compliment to the Council and the City Manager.

Ann Edminster, Pacifica, stated that she had to leave the meeting and asked if she could say brief comments on both Items 6 and 7 if acceptable.

Mayor Vreeland stated that he could not do it, because others would want to do that.

Ms. Edminster asked if she should write a card, send it up for someone else to read it.

Mayor Vreeland reiterated that everyone would want to do the same thing and Oral Communications were for items not on the agenda.

Fred Howard, Glacier Avenue, stated that he enjoyed it when he heard about people who didn't have a clue about what was going on in Pacifica. He mentioned that redevelopment had been discussed in the past and there was a lot of opposition. He felt people who were ignorant about the fact that it was done appeared at every meeting and tried to destroy the Council. He concluded that it was tried, would be tried again, but there would be big fights.

Tim Simpson, Pacifica, was talking on behalf of the Pacifica Sea Lion Swim Team, stating that as a city run team they were an underfunded club. He stated that their principal fundraiser was the Junior Olympics at Oceana. He mentioned that they were butting heads with the school district over what happened the previous year. PB&R suggested that they have the meet on Saturday and Sunday, but he explained that, because of the size, they couldn't have a two-day meet. He asked the Council if they might give staff direction to mediate the situation between PB&R, the Swim Team and the principal at Oceana. He mentioned talking to the head of the

U.S. Swim Team for the Bay Area, and clarified that they were awarded the event which was now provisional until they were able to confirm the pool time.

Mayor Vreeland asked the City Manager to follow up with Mr. Simpson.

City Manager Rhodes stated that he was aware of the situation and would follow up with the school district on it.

Mayor Vreeland mentioned that Mari Brumm-Merrill was not present, but he asked that he set up a meeting to at least have a discussion and if it needed to return to the Council, they could discuss it.

Clorinda Campagna, Gypsy Hill Road, mentioned that she was a team captain on Relay for Life, and she hoped everyone came out on July 19 -20 for a successful community event. She also was on the Open Space Committee and was happy that Clark Natwick received the award. She admired him because he was always a hands on person and deserved everyone's admiration. She showed everyone the Historical Society's cookbook, adding that it was ready for sale and benefitted the Little Brown Church's restoration.

Mayor Vreeland asked her to let everyone know where they can get the cookbooks.

Ms. Campagna stated that they had them available for Prints Old and Rare, Crespi Center; Antiques and Collectibles, Rockaway Beach area; Florey's Book Company, Palmetto; Carla's Clutter, West Sharp Park area; You Name it, Manor Shopping area.

Ron Maykel, Rockaway Beach, thanked the City for putting signage at the Cattle Hill gate on Fassler. He also commended the North Coast County Water District for moving some of the boulders by the trail and he also thanked them for the greening of Pacifica by painting the tanks. He also liked the new fire hydrants.

Mary Ann Nihart, 146 Hilton Lane, thanked the Council for honoring the volunteers, adding that we had tremendous volunteers in Pacifica. She was touched by how many people came forward to do the work in such a positive way. She challenged those with issues and complaints to come forward and do the work, which was what it took to make a community. She then reinforced that as a member of the West Sharp Park Advisory Committee, she would like the community to step forward and give them input on May 15.

Dave Ahlquist, Pacifica, referred to Proposition 218 in 1996 and gave the Council a copy of it. He read from the proposition about the process for raising sewer rates, and he asked the Council to come back with a better offer than the 18% increase, and he also asked the homeowners of Pacifica to say no.

Mayor Vreeland closed Oral Communications.

PUBLIC HEARINGS:

- 6. Coastside Scavenger Rate Review (Proposed action: move and approve Coastside Scavenger refuse collection rate increase of 7.87% for the rate year of 2007-2008 for services rendered on or after August 1, 2007).**

Admin. Services Director Ritzma presented the staff report.

Mayor Vreeland opened the Public Hearing.

Ruth Seaman, Pacifica, asked the Council how the agreement was reached. She knew the City had requested an outside group to do the study and asked if they had also retained outside counsel to work on this agreement.

City Attorney Quick responded that they had retained outside counsel.

Ms. Seaman stated that she had read the same information on the City's website as was in the staff report, but she hadn't seen anywhere what the cost was to the taxpayer. She would like to know that information but didn't know if this was the appropriate place to ask it.

City Attorney Quick stated that it wasn't part of the rate review process and was not folded into the rates.

Ms. Seaman stated that she and her husband did remodeling and Coastside Scavengers was the best company in the county in providing recycling opportunities and she thought it was a feather in their cap. She felt it was not unreasonable for them to get the requested increase based on the huge increase in gas costs.

Fiore Gabbarrino, Pacifica, stated that he was in support of the Scavenger company's request for an increase, because they were one of the smallest independent companies in Northern California and the services provided was outstanding. He was in complete support of their request.

Kathryn Slater-Carter, Pacifica, stated that she was on the Pacifica School Volunteers board and elected to the Montara Water and Sanitary District, but was speaking as an individual. She stated that having a local company was an invaluable asset to the City, being far superior to any large company, such as BFI. She commented briefly on how costs were allocated and compared them to other cities. She did state that we should look at what the City was taking and then consider how much the fees could possibly be reduced. She concluded that having a locally owned and operated company was a value on which you can't put a dollar sign.

Shirlee Gibbs, Pacifica, stated that she was present to put in a good word for Coastside Scavengers. She commented that prices were increasing everywhere and, while she understood the frustration of residents over price increases, she felt we needed to look at the big picture in this case. She commented that Coastside Scavenger was supportive of organizations in our community, mentioning specific examples. She appreciated their goodwill and support of the organizations and felt they were entitled to this increase.

Kathy Meeh, 1276 Alicante Drive, stated that small businesses should not be discouraged in the City. She stated that the Scavenger company was a local company which had performed a commendable trash pickup and recycling opportunity for all of us. She commented that the mandate for 50% recycling requirements were met here yet had not been achieved in other peninsula cities with other scavenger companies. She agreed that they needed a rate increase because of higher expenses, mentioning some of the specific free services provided and the high quality of their services.

Kris Krow, Imperial Drive, stated that she was working for the City in 1997 when Coastside Scavenger's present contract was extended to gain additional resources for improvements. She felt that, while they provided a lot of community service, she didn't feel that the City got the service that other cities got, specifically single stream recycling, and she didn't believe they were at the 50% recycling rate. She mentioned all the other tax increases that were being proposed in the City, and she didn't want to bail out Coastside. She mentioned that they didn't pay payroll taxes in several years, have been in arrears with the IRS, withheld retirement plan income, etc. She asked the Council to suspend the increases to review the settlement agreement and think about ways to work with them to bring them more in line with the rates of other cities in the county. She mentioned that San Bruno also had a small scavenger company and they did not pay what we pay.

Shelly Reider, Pacifica, stated that she was surprised to see the rates going up when the company owed the city and the ratepayer so much. She thought we had the highest rate in the county and, while we can't compare them to other cities, we can look at what was making the rates so high. She mentioned that it was unclear to her about the various discrepancies in what Coastside was paying back and why there hasn't been an audit of Seacoast. She hoped the City would look ahead about how less garbage can be landfilled and recycled more to put us into the 21st century while meeting the state's recycling diversion requirement.

Therese Dyer, Pacifica, referred to the problems with the scavenger company and the costs incurred by the City and the scavenger company, stating that the citizens of Pacifica would be picking up those costs, just as they will for the other lawsuits by Angel and Lennon. She felt that we couldn't afford not to settle, because the more we pay lawyers, the more it will come out of our pockets.

Ginny Jaquith, Pacifica, was representing the Fog Fest organizing group. She stated that they had previously made efforts to recycle during the Fog Fest and this year, they have established the "go green" campaign. She stated that Coastside Scavengers would be joining them in maximizing recycling, and the food vendors will be using only recyclable items. She stated that she mentioned it so that they support the efforts of Coastside Scavenger in recycling.

Pete Pereira, 16 Ortega Ct., stated that the Coastside Scavengers had a first-class act. He mentioned that he had homes in San Bruno and Turlock, as well as in Pacifica, and no one had a recycling center like the one in Pacifica at a much lower rate. He added that their cost for gas had gone up along with ours and he wondered who would pay for that.

Fred Howard, 1230 Glacier Ave., stated that he had his battles with the Scavenger, and he acknowledged that businesses now charge for gas. However, he was here for another thing that bothered him. In recent years, they have been getting delinquent notices, even though they always pay on time. He felt they needed a better system, and he asked the Council to help in getting that problem straightened out. He concluded that he had no problem with the rate increase.

Bernie Sifry, Pacifica, mentioned transparency, insisting that the Council be transparent with the public and insisting that the City Attorney be transparent. He stated that the first speaker asked how much money was paid to Tom Brown, and he responded that he was paid \$80,000. He questioned why they were putting this into an adversarial type of negotiation. He mentioned that there were four years to go, and if they were dissatisfied, they should meet, negotiate, talk about it, and even go to mediation. He asked why they bring in an attorney, forcing Coastside to bring

in an attorney. He asked them to think about handling it amicably without hiring lawyers to save money for the taxpayer.

Chris Porter, Coastside Scavengers, asked for more than the three minutes.

Mayor Vreeland asked the City Attorney for her input.

City Attorney Quick responded that they were not in an appeal where the applicant had extra time. She stated that it was up to the Council's discretion to grant a couple of extra minutes, since the rate review was relating to this company.

Mayor Vreeland stated that he was fine with five minutes.

Chris Porter stated that she was going to address a few comments made this evening. She mentioned that at the March study session they were accused of bringing green waste to Picardo Ranch without knowledge of the City and illegally dumping. She stated that they had since brought an e-mail to the Council from the City Manager at that time, stating that he was well aware of what they were doing. The situation was subsequently reported to the County and ultimately it was determined that there was no wrongdoing. She then addressed the 80-20 ratio of expenses between Coastside and Seacoast, and now they would both be charged what each used. She then stated that they were definitely over 50% in recycling, as notified by the state, and the Integrated Waste Management Board thought it was unbelievable that the city made 50% with almost 50% open space. She mentioned some of the specific specialized services they provided for many residents in the City, and explained the tax problem issue which was resolved as soon as they found out about it.

Mayor Vreeland mentioned that Clorinda Campagna didn't want to speak but was in favor of the increase and thought they did a great job. Ann Edminster encouraged the Council to remember that Coastside Scavengers was a part of the community and did a great job as well.

Manuel Gonzalez, Manzanita, stated that he had discussions with Chris Porter about the trucks dropping some of the recycling material. When he called he got an immediate response from her. He stated that everything she mentioned tonight was factual because he was amazed at the excellent service we had. He mentioned the history from the 50s when the oil industry has continually fought against fuel efficient vehicles, and he blamed them for our price increases.

Mayor Vreeland closed the Public Hearing.

Councilmember DeJarnatt stated that he was glad this was over because he thought the Council could only lose. He felt this impacted many people's lives in a negative sense. He didn't enjoy these issues. He responded to the comment that they should have gotten an independent study, which they did and that started the whole problem because they found serious discrepancies. He stated that there were no records at all to substantiate the green waste dumping and, because the Council represented the ratepayers, they had no choice but to investigate that, hoping that it worked out. He referred to the e-mail from Mr. Carmany, stating that he never saw it and Mr. Carmany never told the Council about it. He stated that he didn't have a problem with the 7% increase, which he felt was warranted and appropriate. He stated that they were there to do a job, and they do it to the best of their ability, and he always will. He added that there was no way to avoid attorneys on this.

Councilmember Digre stated that it was like having to be Solomon, with difficult decisions. She agreed with Councilmember DeJarnatt, stating that it seemed like five years although it was only a year. She mentioned that, because the City was so small, they could not be guilty of “winking” at things. She stated that serious accusations were made, and they had to deal with it, adding that she had to deal with things that she had not been involved with when she first got on the Council. She stated that they were proud of the recycling, and that was the work of both Council and Coastside, as well as the public. She stated that, to Coastside’s credit, they had to work harder and did do it. She acknowledged that they were being asked for increases in all areas. She thought they took transparency to heart and spent the extra money for experts to ensure that transparency. She acknowledged that they all support local business, and they want to support this local business, however, they have to be hard nosed about accountability. She stated that they had to ask the hard questions, and move on to be better, friendlier and cozier. She hoped that they did it as politely as they could.

Mayor pro Tem Lancelle thanked Councilmembers DeJarnatt and Digre for being very articulate, and that represented her feeling about the matter. She didn’t want to belabor it but commended them and everyone who came to speak about this. She agreed that it wasn’t pleasant at times, but it was the job they were elected to do and they needed to be thorough in matters that affect the public.

Mayor Vreeland asked staff if Coastside was current with their franchise fees.

Admin. Services Director Ritzma stated that they had given them the check, and were fully paid with the next payment due in two days.

Mayor Vreeland asked the amount of the check.

Admin. Services Director Ritzma stated that they had received two checks, one for approximately \$81,000 and interest for about \$5,000.

Mayor Vreeland thought they owed for several months.

Admin. Services Director Ritzma stated that they had paid a series of checks over the last several weeks.

Mayor Vreeland mentioned that they hadn’t had a rate increase for two or three years because of some of the issues presented in the staff report

Admin. Services Director Ritzma stated that they hadn’t submitted a rate application so they had nothing to review for three years.

Mayor Vreeland stated that rates had stayed the same for three years because they can’t raise rates without a public hearing.

Admin. Services Director Ritzma responded affirmatively.

Mayor Vreeland read that it would average out to a 3% rate increase.

Admin. Services Director Ritzma stated that dividing the rate before them over 3 years would be approximately 3% per year.

Mayor Vreeland stated that they came in at 12.9% and asked if the actual rate was 7.87%.

Admin. Services Director Ritzma stated that taking the rate before them and divide it over three years was approximately 3% per year.

Mayor Vreeland stated that they came in as 12.9% and the actual rate was 7.87%.

Admin. Services Director Ritzma responded affirmatively.

Mayor Vreeland stated that they hired outside counsel and outside auditors to wrestle through the disputed parts, presented with a potential irregularity of some \$640,000.

Admin. Services Director Ritzma stated that he was correct.

Mayor Vreeland stated that what they had done was recapture \$450,000.

Admin. Services Director Ritzma stated that he was correct.

Mayor Vreeland stated that the ratepayers would have the rate asked for by Coastside reduced by that \$112,000, and everyone would be made whole based on the terms of the agreement.

Admin. Services Director Ritzma agreed with that.

Mayor Vreeland stated that, in Item #5, instead of the City collecting delinquent accounts via tax rolls, Coastside would be taking over the process and reducing the City's costs.

Admin. Services Director Ritzma stated that it was the same cost but they would be doing the work.

Mayor Vreeland thought they could do it more efficiently.

Admin. Services Director Ritzma stated that it was their accounts and it was easier for them to track their accounts.

Mayor Vreeland stated that that information got him to the point where he was, having been presented with very difficult issues a year ago, and they worked through the issues with the appropriate professionals and staff, negotiated in a process that eliminated an adversarial process to keep it out of court. He mentioned that they would be looking at this franchise agreement after the 15 years. He mentioned how the City would be looking at the best way to approach this from the City's standpoint of addressing the irregularities. He thanked staff for their efforts to ensure that trash services would not have a lapse.

Mayor pro Tem Lancelle moved that the Council approve the Coastside Scavenger refuse collection rate increase of 7.87% for the Rate Year of 2007-2008 for services rendered on or after August 1, 2007; seconded by Councilmember DeJarnatt.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 4-0.

CONSIDERATION

Mayor Vreeland asked the City Clerk if they were tabling Item #9 to the next meeting.

City Clerk O'Connell confirmed that it was being tabled because the applicant could not be present at this meeting.

Mayor Vreeland called a brief recess, then reconvened the meeting.

7. Adoption of Resolution Declaring the City's Position Pertaining to Aerial Spraying for the Light Brown Apple Moth (MBAM).

City Manager Rhodes presented the staff report. He then stated that they invited a spokesperson from the California Department of Food and Agriculture to make a presentation and respond to questions.

Mayor Vreeland asked if the community group could go first. He also stated that he would give them five minutes and the state spokesperson five minutes and then open it up to the public, if the City Attorney agreed.

City Attorney Quick stated that it was within his discretion.

Sharon Luehs, 1107 Crespi Drive, co-chair of Stop the Spray, presented the Council with a petition of over 100 names of concerned citizens who were opposed to the aerial spraying. She thanked the Council for stepping up to the plate with this resolution. She stated that there was a temporary delay but they were planning to resume spraying in August. She mentioned the thought of leaving the area during the spraying but they were planning on spraying once a month for several years with no guarantee of killing the moths. She suggested adding a paragraph to the resolution, similar to Piedmont's resolution, which she read. She handed the Council the petition and the paragraph.

Ashley Larsen, Serena Drive, co-chair, stated that she had been reading a great deal about the CDFA's plan to spray the town, and was concerned about the impact on the public's health and the environment, because there were no long term checks on this new product. She gave some followup information on the spraying in Monterey and Santa Cruz counties. She concluded by asking the Council to request the CDFA to pursue the least toxic methods available.

Dr. Robert Dowell, Director of the Light Brown Apple Moth Program, briefly explained what the experts projected would happen if the moth was not controlled. He then explained that pheromones were not toxic, and was the only non-toxic option available. He explained the goal of using this spray. He stated that the spray was reviewed, and would continue to be reviewed and assessed. He mentioned the details of the process prior to the spraying, as well as subsequent to the spraying for the gathering of health complaints.

Councilmember DeJarnatt stated that it sounded that the pheromone was a chemical mimic of the pheromone that the female would emit.

Dr. Dowell stated that it was identical.

Councilmember DeJarnatt asked if it would be investigated so that we have a better idea of whether this was hazardous or not before anything was done.

Dr. Dowell stated that it would include a disclosure of the inert ingredients and a health review of those materials by the Office of Environmental Health Hazard Assessment and the Department of Public Health.

Councilmember DeJarnatt asked about his mention of the increase of the use of pesticides would increase by homeowners and on what basis he made that statement.

Dr. Dowell stated that the UC studies show that 50-80% of homeowners use pesticides, and it doesn't take much to cause an increase in pesticides with the large population in California. He stated that they looked at what damage the moth would do.

Mayor pro Tem Lancelle asked about the statement that the spray would be in the air for days.

Dr. Dowell stated that the material would be applied, and was similar to perfume. He stated that the goal was to get it on the foliage and things in the environment and release the pheromones. He again explained the process they would follow.

Mayor pro Tem Lancelle referred to the gypsy moth he mentioned, asking if that was responsible for the loss of single species trees on the East Coast.

Dr. Dowell stated that she was talking about several insects. He explained that the gypsy moth was a generalized defoliator, then detailed some facts on other insects. He mentioned some concerns the experts had about what the apple moth might do to our environment.

Mayor pro Tem Lancelle asked if they would attack and eat the foliage.

Dr. Dowell stated that they would, mentioning some of the specific plants they would attack.

Mayor pro Tem Lancelle asked if he was familiar with reports of skin irritation in lab animals.

Dr. Dowell stated that there were a wide range of studies, and they were typically looking for an effect, and he described how they specifically caused reactions but explained that the spray was not being used at the same level.

Mayor pro Tem Lancelle asked about the statement of it being toxic to aquatic animals.

Dr. Dowell stated that at high rates it would cause aquatic toxicity, but not at the rates at which they would be using the sprays.

Mayor pro Tem Lancelle stated that the moth was identified as a pest, which she assumed initiated this process.

Dr. Dowell stated that both the USDA and CDFA had looked ahead, and the light brown apple moth had been identified as damaging pests, and was on the UDSA lists of pests we didn't want in the continental U.S.

Mayor pro Tem Lancelle referred to the lack of documentation of it damaging plants, and she referred to some pictures.

Dr. Dowell stated that the pictures were from New Zealand, and they were working hard to make sure that didn't happen. He explained that we could wait to see if it will be a problem and, if so, it might be too widespread to do anything about it. He stated that they had looked ahead and determined it wasn't something with which we want to live. They didn't want to wait and be sorry they didn't do something earlier.

Mayor pro Tem Lancelle asked where it came from.

Dr. Dowell stated that the odds were high that it came from Australia or New Zealand on nursery stock. He explained that there were prohibitions against bringing infested material into the U.S. He stated that, after 9/11, that was taken from the USDA and given to Homeland Security, and there were studies that indicated it was not a high priority of that department.

Councilmember Digre asked about the four stages of information to the public and whether they were used in Santa Cruz.

Dr. Dowell responded affirmatively.

Councilmember Digre was looking at his map and asked for information on things such as "twist ties," "proposed aerial" and "proposed wasps."

Dr. Dowell stated that they had a series of tools that divided the infestation into three different levels. He again explained their process with those tools, such as the twist ties and why there was not enough supply to do the entire area. He mentioned their proposal to use a male moth attractant, and detailed the process in the different levels of infestation. The aerial spraying was the process that was causing the most concern, and he clarified that they weren't going to use materials that were listed by research groups as carcinogens.

Councilmember Digre asked about the red dots, or trap finds, and why Pacifica was different from Half Moon Bay.

Dr. Dowell stated that Pacifica was at an edge of a larger infestation, where they would be doing the aerial application, at least at the present time. As they get closer, they would evaluate what was happening with the trap catch, which would cause them to adjust their treatment zones. He stated that they were scheduled here in October. Before that happens, they would evaluate what was going on here, mentioning that the County Agricultural Commissioner Gale Robbie was keeping an eye on what they were doing to ensure that they were the appropriate treatment for the area and infestation, adding that if she didn't believe that aerial application was the best way to go, she would let them know.

Councilmember Digre asked if that was within our own county.

Dr. Dowell stated that they were looking at the bigger picture, figuring out how best to eradicate the entire infestation.

Councilmember Digre mentioned that she heard on public radio that we should be concerned about the high concentration of mercury in our air, mainly coming from China. She asked if we had expertise to put that on our radar scale as to how the spray would interact with the mercury in the air.

Dr. Dowell stated that he didn't know the answer, adding that they had been having the air concentrations monitored by the Department of Pesticide Regulation, with the report coming out soon. He didn't know of any interaction of those materials with mercury.

Councilmember Digre wasn't expecting him to know it, but wondered if it was within the radar scale to look at the fact of mercury and whatever else was coming and whether they were checking that out.

Dr. Dowell stated that he didn't know at this moment and would have to think about it.

Councilmember Digre mentioned that we were finally discovering the facts about drugs, without paying attention to the fact that children are smaller and wondered how it would affect them.

Dr. Dowell stated that there were safety factors put in by the US EPA which recognized that not everyone was the same. He stated that they would establish a no effect level. He mentioned that the inert ingredients were reviewed by the US EPA and couldn't be used unless they were approved by the EPA.

Councilmember DeJarnatt asked what their department's opinion of how long the moth has been here.

Dr. Dowell stated that they had discussions and Dr. James Carey had come up with 30 to 50 years. He explained that they had tested for the moth in 2005 and had not caught any. In 2007 they caught a large number of moths on the identical site, so they knew the pheromone worked. Based on those facts, they didn't believe the moth had been here 30 to 50 years, although they aren't sure how many years, whether more than two or less than ten.

Councilmember DeJarnatt referred to the map and asked if everything inside the yellow line would be sprayed.

Dr. Dowell confirmed that was correct, but was subject to what happened during the moth catch.

Councilmember DeJarnatt observed that they were only showing about half of Pacifica.

Dr. Dowell stated that he wasn't acquainted enough with Pacifica, so he would take his word.

Councilmember DeJarnatt thought Linda Mar would not be touched.

Mayor Vreeland opened public comments.

Therese Dyer, 1408 Crespi Drive, stated that she was supporting Sharon and Ashley because, if our environment is our economy, we needed to keep it as clean as possible, adding that we can't always depend on our government, based on the FDA that approved Vioxx. She also knows from experience the lead-based toys from China and the tainted drugs. She added that we also get their pollution from China. She asked why a judge would issue a restraining order if the product was so safe. She added that she has lived in Pacifica for about 50 years and been a lifetime member of Beta Sigma Phi and at least 14 people from her sorority have breast cancer. She didn't think Marin was an isolated case. She asked if he would explain how CDFR could proceed with an aerial spray program in violation of state code Section 6614, reading the code.

Peggy O'Brien, Serena Drive, stated that she was publicly registering her opposition to the planned aerial spraying of the light brown apple moth, mentioning that children were vulnerable to pesticides and required special protection. She stated that the US EPA stated children were at great risk from them, mentioning some of the specific dangers. She contacted a pediatrician who allowed her to read his letter which referenced the spraying's dangers to children.

Ted Luehs, 1107 Crespi Drive, felt this was big business ramrodding something down our throats without getting proper clearance and thought it was a compromise to greed and opportunism. He stated that he had lung problems and he would like his life considered before the moth. He felt we should try to correct it at ground level without endangering people's lives.

Shelly Reider, Pacifica, stated that she appreciated this being on the agenda. She was bothered by the threat of the pesticide spraying, because the long term effects were unknown but the chemicals were known to be toxic. She thought the spraying would be dangerous for the environment, people and wild life, and the state should do a localized effort. She urged the Council to sign the resolution and protect the community.

Patrick Langstoan, Pacifica, urged the City to adopt the resolution opposing aerial biochemical pesticide spraying for the light brown apple moth. He wrote to the CDFR asking for additional information and never got a response. He stated that this spray would come down on everything, including getting into houses. He referred to the spraying in Santa Cruz and Monterey, mentioning that the report of adverse health effects of the citizens were unreported or ignored. He urged the Council to pass the resolution to prevent us from being guinea pigs for agribusiness interests.

Richard Esty Petersen, San Francisco, stated that he worked in Pacifica, and he felt the real problem was not the pheromone but the carrier. He felt they needed more information because he knew he couldn't make a judgment. He mentioned concern because it had not been tested on the population and they needed to be more careful and precise.

Mayor Vreeland stated that he had two cards from people who had to leave, Ann Edminster who vehemently opposed the spraying, and Clorinda Campagna who was in favor of the resolution.

Mayor Vreeland closed public comments.

Mayor pro Tem Lancelle stated that she had received an e-mail from the County Health Department asking that they didn't make a decision on the matter until more information was collected. She stated that it made sense to her. She stated that she would like to be scientific about it, operating with the facts. She didn't feel there was enough information and she had a lot of questions about the procedure, process and inert ingredients. She would rather table it until she had more information.

Councilmember Digre stated that she was looking for the paragraph that the group asked them to insert into the resolution. She added that she hadn't gotten any information from the County, and she was concerned about rushing too quickly one way or the other. She stated that she would entertain something to the County regarding the questions they would like answered.

Councilmember DeJarnatt stated that he agreed with what was said by the Council and with the last speaker. He didn't think it was a pesticide, but a pheromone. He would like the test to be done and, if it was proven that it wasn't safe, then he would be happy to take this step. He thought it was premature at this point.

Mayor Vreeland read the resolution, adding that he didn't see anything in the resolution except to support what was going on and stating that they wanted to be sure the state and the agencies do their job before they try this method. He can't make the motion, but he strongly suggested that someone did, but if they wanted to table it they could do that. He reiterated that this was not saying not to do it or it was a bad idea, but rather that the state needed to do a better job working with us.

Councilmember Digre didn't feel it was strong enough, although she was willing to make a motion that they pass it, but she wanted to read her G-things.

Mayor Vreeland asked her to find out if she can get a second before she read the G-things.

Councilmember Digre stated that she would also like to add the paragraph.

Councilmember DeJarnatt asked where the paragraph was.

Mayor Vreeland stated that he didn't agree with the paragraph. He thought it needed to be changed. He didn't agree with the section that stated that the CDFA shift its focus to educating USDA regarding the lack of crop damage but thought they should shift their focus on educating USDA and others and use the least toxic pest control method that did not expose population to aerial spraying.

Councilmember Digre agreed with him.

Mayor Vreeland reiterated that they wanted the state's attention, and they wanted to be involved.

Councilmember Digre stated that she was okay with taking the crop damage out.

Councilmember DeJarnatt stated that he would second with that change.

Councilmember Digre moved that the public is furnished additional assurances, that adequate public communication plan pertaining to the spraying efforts is put in place, empirical post-spraying health impact analysis is conducted, and CDFA work to educate the USDA on the need to use the least toxic pest control method that did not expose populated areas to aerial spraying; seconded by Councilmember DeJarnatt.

Mayor pro Tem Lancelle stated that she would like to have a letter with Councilmember Digre's additional issues. She acknowledged that the resolution was declaring the City's position pertaining to aerial spraying of the apple moth and they were interested in learning more about this and filling in gaps in information, and were not declaring their opposition at this time.

Mayor Vreeland stated he thought it was declaring the City's position pertaining to aerial spraying but not the City's opposition to aerial spraying.

Councilmember DeJarnatt stated that the original resolution was fine but it was the extra paragraph he didn't care for.

Councilmember Digre asked if she could do it separately as an individual and she would like the questions asked.

Mayor Vreeland agreed and thought she should add them.

Councilmember Digre wanted them to look into the effect of mercury in the air, does the geography of Pacifica make a difference, children because of their size and immaturity, the effect of the ingredients on food and water, experimenting on human and animal lives through food and water sources, and with the concern about the public using pesticide, she was making sure they weren't using that as the only criteria for wanting to do an aerial spray. She thought they would use both of them.

Mayor Vreeland stated that the people from the state have her questions.

Councilmember Digre stated that she would also like to know the scientific background because sometimes there are political appointees in scientific arenas with no science credentials whatsoever.

Mayor Vreeland thought that the state would understand that their resolution was demanding that they take that more seriously. He asked Mayor pro Tem Lancelle if she wanted to add something.

Mayor pro Tem Lancelle wanted to be sure that the additional piece was that they request that the CDFA educate the USDA regarding the need to use the least toxic pest control methods that do not expose populated areas to aerial spraying.

Mayor Vreeland agreed.

Mayor pro Tem Lancelle asked if they were saying no aerial spraying in the motion.

Mayor Vreeland stated that they were saying the need to use the least toxic pest control materials that do not expose the population to aerial spraying.

Mayor pro Tem Lancelle reiterated that they were saying no aerial spraying.

Councilmember Digre stated "unless and until."

Mayor Vreeland asked what she would like it to say.

Councilmember Digre reiterated that they were saying unless and until the products in use are proven safe.

Mayor pro Tem Lancelle stated that she would like the unless and until to come after, to be the third or fourth whereas, not as a therefore.

Mayor Vreeland stated that it would be the first two whereases and between the second and third whereas she would have what.

Mayor pro Tem Lancelle stated that the City of Pacifica requests.

Mayor Vreeland didn't think she was confused. The whereas is going to be whereas the City of Pacifica educate the USDA regarding the need to use the least toxic pest control method that does not expose populated areas to aerial spraying, and the therefore would be the exact same therefore. He asked if the maker of the motion was okay with that.

Councilmember Digre stated that he didn't think they were asking Pacifica to do it.

Councilmember DeJarnatt asked that the last sentence be read again.

Mayor pro Tem Lancelle stated that "whereas the City of Pacific requests that the CDFA educate the USDA regarding the need to use the least toxic.

Councilmember DeJarnatt stated that it was fine.

City Attorney Quick asked for clarification that the comments that Councilmember Digre had were part of the resolution or to be in the form of a letter that the Council supports being written.

Mayor Vreeland stated that it was not part of the resolution and not a separate letter. It was part of the public record that the state agency has heard the questions and, if there were other issues that people wanted to put into a letter, he thought they needed to talk about it further. He felt those questions were not part of a letter or the resolution, just part of the public record that the state agency needed to know that one councilmember brought up some additional concerns.

City Attorney Quick clarified that the only addition to the resolution itself was the new whereas.

Mayor Vreeland responded affirmatively. He asked if the City Clerk and the City Manager had that information.

City Clerk O'Connell responded affirmatively.

Mayor Vreeland hoped everyone got that which was a lot further than where they were in the beginning of the discussion, and he hoped those from the state who stayed and saw the meeting, he thanked them for coming and giving their expertise. He knew they would be back when they get into August and September as they look at other options. He asked that they took this for what it was, the Council responding to their constituents, saying that we wanted them to educate us more about the potential impacts before they move forward. He thanked them for staying.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 4-0.

Mayor Vreeland again stated that they were tabling Item #9 because the candidate being interviewed wasn't able to make the meeting.

8. Status of the 2006 FEMA Repair Project 1628-CA.

Deputy Director/City Engineer Ocampo presented the staff report.

Mayor Vreeland opened public comments.

Mike Bell, Pacifica, thanked the Council for passing the previous resolution, and thanked City Engineer Ocampo and Lizzy Claycomb. He planned to attend the meeting on May 9. He asked the City Manager for any talking points for him, he was happy to do so. He wanted to be part of the solution, not part of the problem. He stated that he wasn't clear on whether the \$115,000 paid for the whole job on Beach Boulevard, and if not, where was the rest of the money coming from.

Mayor Vreeland stated that it would be answered but they couldn't have a back and forth.

Mr. Bell stated that it took about six weeks for the permit, 60 days to get the rock and there was the RFP, and they were looking at commencing the project in the middle of August, which was dangerously close to the end of the window for this year. He hoped everyone pushed hard to make it happen.

Mayor Vreeland closed public comments.

City Engineer Ocampo stated that FEMA approved \$315,350.00 but they were aware that the estimate was too low for the unit cost of the rocks and are aware of the quantity of rocks necessary. He stated that, in the past, they did pay for the full amount, as long as they approved the quantity already. He stated that once they got the approval on May 9, they know the permit would take six weeks, but they were thinking of advertising and mentioning that the notice to proceed with the project would only be issued once the actual permit was provided. He stated that they could not start the actual work without the permit being issued.

Mayor Vreeland clarified that they weren't going to make it sequential, but trying to do things at the same time because of the boundaries of things they cannot do, such as starting the work or incurring costs until they had the permit.

City Engineer Ocampo stated that they didn't want to advertise the project before the Commission had the hearing. Once they had that and knew the outcome, they could proceed with advertising it because the staff report contained some of the special conditions that the Commission may have. Barring any additional conditions, they could incorporate that. He stated that was why the plans and specs were up 95% because of that.

Mayor Vreeland stated that his biggest fear was not the City being able to get it done but to get it through the Coastal Commission because, if they do a continuance, we would have some concerns. He stated that a lot of it was not in our control.

Councilmember DeJarnatt commented on the fact that no one knows the remainder rock costs.

Councilmember DeJarnatt moved to approve Amendment No. 2 to the Agreement Between the City of Pacifica and GeoSoils, Inc., in the amount of \$3,280; seconded by Mayor pro Tem Lancelle.

Mayor pro Tem Lancelle asked about the timing, stating that they would get the approval on May 9, then do the RFP, then she asked how long that would be before they got someone to do it.

City Engineer Ocampo stated that a formal RFP takes about 30 days.

Mayor pro Tem Lancelle mentioned that, when Skelly was talking to them, he said that the time to do was in mid-July, and she was following up on that. She asked if they could order the rock before they got a response on the RFP.

City Engineer Ocampo stated that they couldn't because the contractor would procure the rock.

Mayor pro Tem Lancelle asked when they would begin the project.

City Engineer Ocampo reiterated that their hands were tied. They were trying to expedite it as much as they can from their end.

Mayor pro Tem Lancelle asked if it would realistically be in August.

City Engineer Ocampo stated that it would be mid August or late August. He stated that some quarries set aside the big rocks. He stated that when he called the quarry, he mentioned the project.

Mayor pro Tem Lancelle asked if they could expedite it and make some arrangement with the rock quarry people so that they understand an order would be coming. She appreciated Mike Bell willing to go to the meeting and she thought it would be a good idea to get talking points to him.

Mayor Vreeland stated that there would be a number of people going to the meeting.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 4-0.

Councilmember DeJarnatt moved approval of budget authority in the amount of \$3,280 from the disaster fund; seconded by Mayor pro Tem Lancelle.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 4-0.

Councilmember DeJarnatt moved to authorize the City Manager to execute the contract amendment; seconded by Mayor pro Tem Lancelle.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 4-0.

Mayor Vreeland mentioned to City Engineer Ocampo that they knew their hands were tied, but moving this forward in any way, whether with the quarry or some other way to save a few weeks here or there, he knew how to do it because they wanted to make sure it was done this year. He asked him to let them know if they could help in pushing to get it done.

City Engineer Ocampo assured the Council and the public that the FEMA projects were a No. 1 priority now.

Mayor Vreeland stated that they could tell, mentioning that he had gotten 90-95% completion. He thanked Lizzy for everything she did.

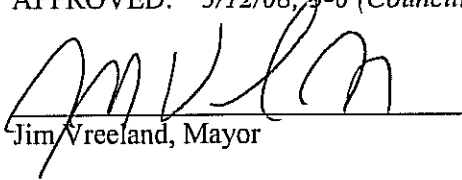
Mayor Vreeland adjourned the meeting at 11:15 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 5/12/08; 3-0 (Councilmembers DeJarnatt and Hinton excused)



Jim Vreeland, Mayor