CITY OF PACIFICA CITY COUNCIL AGENDA

MAYOR JULIE LANCELLE
MAYOR PRO TEM SUE DIGRE
COUNCILMEMBER PETE DEJARNATT
COUNCILMEMBER MARY ANN NIHART
COUNCILMEMBER JIM VREELAND

CITY COUNCIL CHAMBERS 2212 BEACH BOULEVARD PACIFICA, CALIFORNIA 94044

November 9, 2009

www.cityofpacifica.org

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6:15 P.M. Call to Order – Open Meeting

CLOSED SESSION ITEMS:

- 1. PURSUANT TO GOVERNMENT CODE SECTION 54956.8 Conference with Real Property Negotiator. Discussion concerns price and terms of payment. Agency Negotiator Attending Session: Stephen Rhodes: Property: APN 022-150-420 & 022-150-310. Negotiating parties: City of Pacifica and Tait Cowan.
- 2. 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: 1850 Francisco Blvd., Pacifica, CA APN 016-042-320. Negotiating parties: City of Pacifica and Pacifica Historical Society.

The Public will have an opportunity to comment on this item before the City Council Goes Into Closed Session.

CONVENE TO CLOSED SESSION

RECONVENE TO OPEN SESSION

7:00 p.m.

Call to Order Roll Call Salute to the Flag led by Council Member Nihart Commission Liaisons: Commissioner Campbell Closed Session Report:

CONSENT CALENDAR

Items on the consent calendar will be adopted by one motion unless a Councilmember or person in the audience requests, before the vote on the motion, to have an item discussed under the Consideration portion of the agenda. Time limit on comments is three minutes or less.

1. Approval of Disbursements dated 10/07/09 to 10/23/09 in the amount of \$653,607.84. Regular and quick checks numbered 81858, 6397 to 6416, 6420 to 6563 and disbursements dated 10/23/09 to 10/23/09 in the amount of \$8,461.45. Regular and quick checks numbered 6417 to 6419 (**Proposed action**: approve)

- 2. Approval of Minutes of Regular City Council Meeting of October 26, 2009 (**Proposed action**: approve)
- 3. Adoption of an Ordinance entitled "An Ordinance of the City Council of the City of Pacifica Adding Article 4 of Chapter 5 of Title 6 of the City of Pacifica Municipal Code Prohibiting the Use of Polystyrene Foam and Solid Disposable Food Service Ware and Requiring the Use of Biodegradable, Compostable, Reusable or Recyclable Food Service Ware by Food Vendors in the City" second reading (**Proposed action**: adopt ordinance)
- 4. Resolution Extending the Golf Course Task Force (**Proposed action**: adopt resolution)
- 5. Resolution in Support of Smoke-Free Movies (**Proposed action**: adopt resolution)
- 6. Adoption of Resolution Supporting C/CAG Filing an Appeal on Behalf of San Mateo County and San Mateo County Cities Choosing to Participate in This Action, and Direct the City Manager and City Attorney to Inform C/CAG That the City of Pacifica May Be Named as a Participating Party in the Appeal and to Remain Involved in this Process (**Proposed action:** move that the City Council ADOPT the attached resolution supporting C/CAG filing an appeal on behalf of San Mateo County and San Mateo County cities choosing to participate in this action, and direct the City Manager and City Attorney to inform C/CAG that the City of Pacifica may be named as a participating party in the appeal and to remain involved in this process)

SPECIAL PRESENTATION

Capt. Dave Bertini - Rotary Club Repainting of Sanchez Library

PUBLIC HEARING

7. Adoption of Miscellaneous Amendments to the Pacifica Municipal Code (**Proposed action**: move that the City Council ADOPT the attached resolution entitled "A Resolution of the City Council of the City of Pacifica Adopting a Negative Declaration to Amend Sections of the Pacifica Municipal Code Relating to Fence Heights, Barbed Wire Fences, Setbacks for Accessory Buildings, Definition of Attached Buildings, Subdivision Signs, Pet Care and Sales Establishments, Submittal of Specific Plans and Bed and Breakfast Inns", and ADOPT the resolution entitled, "A Resolution of the City Council of the City of Pacifica Adopting an Ordinance Amending Sections of the Pacifica Municipal Code Relating to Fence Heights, Barbed Wire Fences, Set Backs for Accessory Buildings, Definition of Attached Buildings, Subdivision Signs, Pet Care and Sales Establishments, Submittal of Specific Plans and Bed and Breakfast Inns", and ADOPT the resolution entitled "A Resolution of the City Council of the City of Pacifica Submitting Amendments to Sections of the Pacifica Municipal Code Relating to Fence Heights, Barbed Wire Fences, Setbacks for Accessory Buildings, Definition of Attached Buildings, Subdivision Signs, Pet Care and Sales Establishments, Submittal of Specific Plans and Bed and Breakfast Inns to the Coastal Commission for Certification".

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.

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.

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. Any person wishing to address the Council shall be recognized by the Mayor during Oral Communications, provided, however, that during the Oral Communications portion of the agenda, only items not on the agenda for that meeting may be addressed. All remarks shall be addressed to the Council as a body and not to any member thereof. Councilmembers shall not enter into

debate with speakers under Oral Communications. A maximum time of three minutes will be allowed for any speaker. Pursuant to Pacifica Municipal Code Title 2, Chapter 1, Section 2-1.118 any person making impertinent, slanderous, or profane remarks or who becomes boisterous while addressing the Council shall be called to order by the presiding officer and, if such conduct continues, may, at the direction of the presiding officer, be ordered barred from further audience before the Council during the meeting.

CONSIDERATION

- 8. City of Pacifica Pavement Management System (**Proposed action**: information only)
- 9. Replacement of Emergency Medical Services (AMR) Coordinator Vehicle (**Proposed action:** authorize the City Manager to execute agreement with AMR for cost reimbursement for purchase of EMS Supervisor vehicle and authorize the City Manager to execute the necessary documents for purchase of the replacement EMS vehicle)
- 10. Introduction of An Ordinance entitled "An Ordinance of the City Council of the City of Pacifica Adding Article 19 to Chapter 7 of Title 4 of the Pacifica Municipal Code Regarding Removal of Vehicles" (**Proposed action**: move to read an ordinance entitled "An Ordinance of the City Council of the City of Pacifica Adding Article 19 to Chapter 7 of the Pacifica Municipal Code Regarding Removal or Towing of Vehicles" be read by title only and the further reading be waived)

ADJOURNMENT

* * * * * *

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.cityofpacifica.org); at the website, scroll down to find the Link.

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

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HOW TO REACH YOUR LEGISLATORS

- Governor Arnold Schwarzenegger, State Capitol Building, Sacramento CA 95814 (916) 445-2841
- State Senator Leland Yee, 400 So. El Camino Real, Ste. 630, San Mateo, CA 94402 (650) 340-8840

- Assemblymember Jerry Hill, 1528 So. El Camino Real, Ste 302, San Mateo CA 94402 (650) 341-4319
- Congresswoman Jackie Speier, 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
- President Barack Obama, 1600 Pennsylvania Ave. NW, Washington DC 20500 (202) 456-1111

CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT

November 9, 2009

Agenda Item No. 3

SUBJECT:

Adoption of an Ordinance entitled "An Ordinance of the City Council of the City of Pacifica Adding Article 4 of Chapter 5 of Title 6 of the City of Pacifica Municipal Code Prohibiting the Use of Polystyrene Foam and Solid Disposable Food Service Ware and Requiring the Use of Biodegradable, Compostable, Reusable or Recyclable Food Service Ware by Food Vendors in the City" second reading

ORIGINATED BY:

City Clerk's Office

DISCUSSION:

The above reference ordinance was introduced at the October 26, 2009 City Council meeting and is in order for adoption.

FISCAL IMPACT:

None

RECOMMENDATION:

Move to adopt the ordinance entitled "An Ordinance of the City Council of the City of Pacifica Adding Article 4 of Chapter 5 of Title 6 of the City of Pacifica Municipal Code Prohibiting the Use of Polystyrene Foam and Solid Disposable Food Service Ware and Requiring the Use of Biodegradable, Compostable, Reusable or Recyclable Food Service Ware by Food Vendors in the City"

ATTACHMENTS:

Ordinance.

ORDINANCE NO.

SUSTAINABLE FOOD SERVICE WARE ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA ADDING ARTICLE 4 OF CHAPTER 5 OF TITLE 6 OF THE CITY OF PACIFICA MUNICIPAL CODE PROHIBITING THE USE OF POLYSTYRENE FOAM AND SOLID DISPOSABLE FOOD SERVICE WARE AND REQUIRING THE USE OF BIODEGRADABLE, COMPOSTABLE, REUSABLE OR RECYCLABLE FOOD SERVICE WARE BY FOOD VENDORS IN THE CITY

WHEREAS, the City has a duty to protect the natural environment, the economy, and the health of its citizens; and

WHEREAS, effective ways to reduce the negative environmental impacts of disposable food service ware include reusing or recycling food service ware and using biodegradable or compostable take-out materials made from renewable resources such as paper, corn starch, potato starch, and sugarcane; and

WHEREAS, polystyrene is a common environmental pollutant as well as a non-biodegradable, non-compostable, non-recyclable or non-reusable substance used as food service ware by food vendors operating in the City; and

WHEREAS, there continues to be no substantial recycling of polystyrene food service ware; and

WHEREAS, affordable compostable food service ware products are increasingly becoming available for most food service applications such as cups, plates, and hinged containers and these products are more ecologically sound than polystyrene materials and can be turned into a compost product; and

WHEREAS, residents can get discounted composting bins from the County of San Mateo RecycleWorks Program, which can be used to compost food scraps and biodegradable, compostable, or food soiled paper take out food service ware; and

WHEREAS, natural compost products are used as a very effective soil amendment for farms and gardens that conserves water, prevents erosion and adds to soil "tilth" to reduce the need for applications of fertilizers, herbicides and pesticides, thereby moving towards a healthier zero waste system; and

WHEREAS, disposable food service ware constitutes a portion of the litter in Pacifica's beaches, streets, parks and public places which increases City costs; and

WHEREAS, polystyrene foam is a common pollutant that fragments into smaller, non-biodegradable pieces that are ingested by marine life and other wildlife thus harming or killing them; and

WHEREAS, due to the physical properties of polystyrene, the EPA states "that such materials can also have serious impacts on human health, wildlife, the aquatic environment and the economy"; and

WHEREAS, in the manufacturing process as well as the use and disposal of products, the energy consumption, greenhouse gas effect, and other environmental effects, polystyrene's environmental impacts are rated second highest, according to the California Integrated Waste Management Board; and

WHEREAS, styrene, a component of polystyrene, is a known hazardous substance that medical evidence and the Food and Drug Administration suggests leaches from polystyrene containers into food and drink and is a suspected carcinogen and neurotoxin which potentially threatens human health and the general public is not typically warned of such potential hazards; and

WHEREAS, there is evidence that styrene leaches into the soil, air, and water and may leach into groundwater; and

WHEREAS, due to these concerns, cities began banning polystyrene foam food service ware including several California cities such as Berkeley (1990), Oakland (2007), San Bruno, Millbrae, and the City and County of San Francisco (2007) where local businesses and several national corporations have successfully replaced it and other non-biodegradable food service ware with affordable, safe, biodegradable products; and

WHEREAS, the City Council believes the ability of a substance to biodegrade and the impact of a substance on the natural environment are meaningful criteria to use when developing public policy to reduce litter and blight and improve the management and disposal of solid waste; and

WHEREAS, it is the City Council's desire to reduce the amount of litter and pollution, manage the City's waste in a sustainable manner, protect local wildlife, protect the City's beaches and coastal waters and waterways, all of which increase the quality of life for residents and visitors; and

WHEREAS, restricting the use of polystyrene foam and solid disposable food service ware products and replacing non-biodegradable, non-compostable, non-reusable, or non-recyclable food service ware with biodegradable, compostable, reusable, or recyclable food service ware products in Pacifica will further protect the public health and safety of the residents of Pacifica, the natural environment, waterways and wildlife and would advance the City's goal of developing a sustainable City, and

WHEREAS, in light of the foregoing, the City Council desires to institute two specific practices by all food vendors in Pacifica and to regulate said practices in City facilities. The first is that the use of Foam Polystyrene or Solid Polystyrene disposable food service ware will be prohibited. The second is that all disposable food service ware will be required to be biodegradable, compostable, reusable, or recyclable unless there is no available biodegradable, compostable, reusable alternative for a specific application.

THE CITY COUNCIL OF THE CITY OF PACIFICA HEREBY DOES ORDAIN AS FOLLOWS:

SECTION 1. ADDITION OF ARTICLE 4 TO CHAPTER 5 of TITLE 6:

Article 4 hereby is added to Pacifica Municipal Code Title 6, Chapter 5 to read as follows:

ARTICLE 4

SUSTAINABLE FOOD SERVICE WARE ORDINANCE

Sections:	
6.5-401	Definitions
6.5-402	Prohibited Use of Disposable Food Service Ware
6.5-403	Required Use of Biodegradable, Compostable, Reusable or Recyclable Food
	Service Ware
6.5-404	Exemptions
6.5-405	Regulations; Enforcement
6.5-406	Violations and Penalties

6.5-401 Definitions

- a. "ASTM Standard" means meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for biodegradable and compostable plastics, as those standards may be amended. D6400 is the specification for plastics designed for compostability in municipal or industrial aerobic composting facilities. D6868 is the specification for aerobic compostability of plastics used as coatings on a compostable substrate.
- b. "Biodegradable" means the entire product or package will completely degrade and return to nature, i.e., decompose into elements found in nature within a reasonably short period of time after customary disposal.
- c. "City Facilities" means any building, structure or vehicles owned or operated by the City of Pacifica, its agent, agencies and departments.
- d. "Compostable" means all materials in the product or package will degrade into, or otherwise become part of, usable compost (e.g., soil-conditioning material, mulch) in a safe and timely manner. Compostable disposable food service ware must meet ASTM-Standards for compostability and any bio-plastic or plastic-like product must be clearly labeled, preferably with a color symbol, such that any customer or processor can easily distinguish the ASTM Standard compostable plastic from non-ASTM Specification compostable plastic.
- e. "Customer" means any person obtaining prepared food from a food vendor.

- f. "Disposable Food Service Ware" means all containers, bowls, plates, trays, cartons, cups, lids, straws, forks, spoons, knives, and other items designed for one-time or non-durable uses on or in which any food vendor directly places or packages prepared foods or which are used to consume foods. This includes, but is not limited to, service ware for takeout foods and/or leftovers from partially consumed meals prepared at food vendors.
- g. "Food Vendor" means any and all sales outlets, stores, shops, vehicles or other places of business located within the City of Pacifica which operate primarily to sell or convey foods or beverages directly to the ultimate consumer, which foods or beverages are predominantly contained, wrapped or held in or on packaging, including both restaurants and retail food vendors. "Restaurant" means any establishment located within the City of Pacifica that sells prepared food for consumption on, near, or off its premises by customers. For the purposes of this chapter the term includes a restaurant operating from a temporary facility, cart, vehicle or mobile unit. "Retail Food Vendor" means any place, other than a restaurant, located within the City of Pacifica where food is prepared, mixed, cooked, baked, smoked, preserved, bottled, packaged, handled, stored, manufactured and sold or offered for sale, including, but not limited to, drive-in, coffee shop, cafeteria, short-order cafe, delicatessen, luncheonette, grill, sandwich shop, soda fountain, bed and breakfast inn, tavern, bar, cocktail lounge, nightclub, roadside stand, take-out prepared food place, industrial feeding establishment, catering kitchen, mobile food preparation unit, commissary, grocery store, public food market, produce stand, food stand, venue, special event, or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other establishment or operation where food is processed, prepared, stored, served or provided for the public for charge. The term "Food Vendor" includes Restaurants and Retail Food Vendors.
- h. "Polystyrene" means and includes blown polystyrene and expanded and extruded foams (sometimes called "Styrofoam®," a Dow Chemical Co. trademarked form of EPS insulation) also referred to as expanded polystyrene (EPS) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene), and in this chapter is referenced as "Foam Polystyrene." Foam Polystyrene is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons. The term "polystyrene" also means and includes clear or solid polystyrene which is also known as "oriented," and referenced in this article as "Solid Polystyrene" is generally used to make clear clamshell containers, and clear or colored straws, lids and utensils.
- i. "Prepared Food" means food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the food vendor's premises within the City of Pacifica. Prepared food may be eaten either on or off the premises, also known as "takeout food."
- j. "Recyclable" means material that can be sorted, cleansed, and reconstituted using Pacifica's available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

k. "Reusable" means all materials in the product or package will be used more than once in its same form by the customer, food vendor or other reuse programs. Reusable food service ware includes: food or beverage containers, packages or trays, such as, but not limited to, soft drink bottles and milk containers that are designed to be returned to the distributor and customer that is provided take-out containers. Reusable also includes durable containers, packages or trays used on-premises or returnable containers brought back to the food vendor.

6.5-402 Prohibited Use of Disposable Food Service Ware

- A. Food vendors are prohibited from providing prepared food to customers in Foam Polystyrene or Solid Polystyrene disposable food service ware.
- B. No Foam Polystyrene or Solid Polystyrene disposable food service ware shall be used in any City Facilities. No city department or agency will purchase or acquire Foam Polystyrene or Solid Polystyrene disposable food service ware for use at City Facilities.
- C. All individuals, entities or organizations using City Facilities for public or private events shall comply with the requirements in this article.

6.5-403 Required Use of Biodegradable, Compostable, Reusable or Recyclable Food Service Ware

- A. All food vendors using any disposable food service ware shall use biodegradable, compostable, reusable or recyclable food service ware. All food vendors are strongly encouraged to use reusable food service ware in place of using disposable food service ware for all food served on-premises. A food vendor may price its products or services to customers in a manner to cover any cost differential.
- B. All individuals, entities or organizations that rent or use City Facilities shall use biodegradable, compostable, reusable or recyclable food service ware.

6.5-404 Exemptions

- A. Foods prepared or packaged outside the City of Pacifica are exempt from the provisions of this article. Purveyors of food prepared or packaged outside the City of Pacifica are encouraged to follow the provisions of this article.
- B. Food vendors will be exempted from the provisions of this article for specific items or types of disposable food service ware if the City Manager or his/her designee finds, based on credible evidence that a suitable biodegradable, compostable, reusable or recyclable alternative does not exist for a specific application. Food vendors may be exempted from the provisions of this article if the City Manager, or his/her designee finds that imposing the requirements of this article on that item or type of disposable food service ware would cause undue hardship. "Undue hardship", for purposes of this article, means the food vendor is financially unable to comply with the requirements of this article. Any food vendor may seek an exemption from the requirements of this article by filing a request in writing with the City Manager. The City Manager may waive any specific requirement of this article for a period of not more than one year if the food vendor qualifies for the exemption. hardship. A food vendor seeking an exemption because of undue

hardship must submit documents that enable the City to reasonably determine the food vendor's financial ability to comply with the article. Documents suitable for consideration may include, without limitation, accurate, complete and legible copies of state and federal income tax returns and all schedules for the preceding tax year; financial statements; loan applications; bank account records; income and expense records for 12 months preceding submittal for the request, as well as such other documentation as may be requested by the City Manager or his/her designee, demonstrating the food vendor's financial hardship. The City may, at a time chosen in its sole discretion and after the undue hardship exemption request is finally granted or denied, destroy or discard the documents submitted by the food vendor for an exemption based on undue hardship without prior notice. A food vendor granted an exemption must re-apply prior to the end of the one year exemption period and demonstrate continued undue hardship if the food vendor wishes to have the exemption extended. The City Manager's decision to grant or deny an exemption or to grant or deny an extension of a previously issued exemption shall be in writing and shall be final.

C. Coolers and ice chests that are intended for reuse are exempt from the provisions of this chapter.

6.5-405 Regulations; Enforcement

A. The City Manager or his/her designee will have primary responsibility for enforcement of this chapter. The City Manager or his/her designee is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter, including, but not limited to, entering the premises of any food vendor to verify compliance in accordance with applicable law.

6.5.406 Violations and Penalties

- A. Causing, permitting, aiding, abetting or concealing a violation of any provision of this article shall also constitute a violation of this article.
- B. Any violation of this article shall constitute an infraction.
- C. Violations of this article are subject to the remedies and penalties set forth in Title 1, Chapter 2 of this Code.
- D. Violations of this article shall also be punishable by a civil fine in accordance with Title 1, Chapter 6 of this Code.

SECTION 3. CEQA DETERMINATION

Pursuant to Title 14 of the California Administrative Code, the City Council finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) for the following reasons: (1) under Section 15061(b)(3), it is not a project which has the potential for causing a significant effect on the environment; (2) under Section 15308, it is an authorized action by an agency with regulatory authority for the purpose of assuring the maintenance, restoration, enhancement, or protection of the environment; (3) under Section 15378(a), it is not a project which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment; and (4) under Section

15378(b)(3), it is an action that consists of continuing administrative or maintenance activities in the form of general policy and procedure making.

SECTION 4. EFFECTIVE DATE

This chapter will become effective on January 1st, 2010.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. PUBLICATION

CITY CLERK

The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in the Pacifica Tribune, a newspaper of general circulation, published and circulated in the City of Pacifica in accordance with Government Code Section 36933, and shall cause this ordinance to be entered into the Pacifica Municipal Code.

INTRODUCED at a regulary, 2009.	r meeting of the City Council of the Cit	ry of Pacifica held on
PASSED AND ADOPTED held on, 2009 by the fo	at a regular meeting of the City Council of collowing roll call vote:	of the City of Pacifica
AYES:		
NOES:		
ABSENT:		
	Julie MAYOR	Lancelle
ATTEST:		
Kathy O'Connell		

CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT

November 9, 2009

Consent Agenda Item No. 4

SUBJECT:

Amending Resolution No. 64-2007 Creating the Sharp Park Golf Course Task Force

ORIGINATED BY:

City Manager

DISCUSSION:

The City Council adopted Resolution No. 64-2007 creating the Sharp Park Golf Course Task Force with a sunset date of December 31, 2009 at the November 13, 2007 City Council meeting. The task force has been meeting regularly and it is recommended that the sunset date of December 31, 2009 be extended to December 2010.

The purpose and scope of the Sharp Park Task Force will not change.

FISCAL IMPACT:

None

RECOMMENDATION:

Adopt the Resolution.

ATTACHMENTS:

Resolution.

RESOLUTION NO. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA EXTENDING THE SHARP PARK GOLF COURSE TASK FORCE

WHEREAS, the purpose of the Sharp Park Golf Course Task Force is to: 1) provide a forum for helping to clearly define our position on the future of Sharp Park Golf Course; 2) serve as a clearing house for ideas on how to preserve and protect the course; and 3) assist in putting together a plan for improvements to the course; 4) provide advice and support for the City of Pacifica representative on the City/County of San Francisco Golf Course Task Force; and 4) explore other uses for the remainder of the Sharp Park property; and

WHEREAS, the committee will be comprised ten (10) members representing a cross sections of the community and involve members of the Chamber of Commerce, golfers, supporters of public recreation and other interested citizens of Pacifica; and

WHEREAS, the committee shall have a chair and a vice-chair, elected by the committee with two-year terms. The committee will automatically sunset on December 31, 2010; and

WHEREAS, the purpose and scope of the Sharp Park Golf Course Task Force has not changes; and

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council of the City of Pacifica does hereby authorize the extension of the Sharp Park Golf Course Task Force with a new sunset date of December 31, 2010.

* *

Passed and adopted at a regular meeting of the City Council of the City of Pacifica on November 13, 2007, by the following vote of the members thereof:

AYES, Councilmembers: NOES, Councilmembers: ABSENT, Councilmembers: ABSTAIN, Councilmembers:

ABSTAIN, Councilmembers:	
	Julie Lancelle, Mayor
ATTEST:	
Katha O'Cannall City Clark	
Kathy O'Connell, City Clerk	
APPROVED AS TO FORM:	
Cecilia M. Quick, City Attorney	

CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT November 9, 2009

Agenda Item No. 5

SUBJECT:

Resolution In Support of Smoke-Free Movies

ORIGINATED BY:

City Manager

DISCUSSION:

For the past year youth advocates from local high schools have conducted an advocacy campaign to city councils and school districts to adopt a resolution that urges an "R" rating for movies that depict tobacco use. The San Mateo County Board of Supervisors and the Jefferson Union High School District have adopted such resolutions.

Breathe California has requested that the City adopt a resolution in support of smoke-free movies.

FISCAL IMPACT:

None.

ATTACHMENTS:

Resolution.

COUNCIL ACTION REQUESTED:

Adopt the resolution next in order.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA IN SUPPORT OF SMOKE-FREE MOVIES

WHEREAS, Tobacco use is the number one preventable cause of death and disability; and

WHEREAS, Youth ages 12-17 are 11% of the population but are 20% of all movie audiences; and

WHEREAS, Exposure to smoking in movies recruits up to half (52 percent) of all new adolescent smokers; and

WHEREAS, Each year an estimated 390,000 teens start smoking because of exposure to smoking in movies and 120,000 will die prematurely as a result; and

WHEREAS, A growing body of scientific research shows the relationship between smoking in movies and youth smoking initiation. The more smoking in the movies youth view, the more likely they are to start smoking. A study by Dartmouth Medical School found that up to 1/3rd of youth smoking can be accounted for by youth viewing smoking in films; and

WHEREAS, the World Health Organization, American Medical Association, American Heart Association, American Legacy Foundation, American Academy of Pediatrics, American Academy of Allergy, Asthma, and Immunology, Breathe California, Society for Adolescent Medicine and others endorse getting smoking out of movies rated G, PG, and PG-13; and

THEREFORE, be it resolved that the City of Pacifica endorses the four objectives of the Smoke-Free Movies Campaign:

- (1) Rate new smoking movies "R" with the sole exceptions being when the tobacco presentation clearly and unambiguously reflects the dangers and consequences of tobacco use or is necessary to represent smoking of a real historical figure;
- (2) Require producers to certify on screen that no one in the production received anything of value in consideration for using or displaying tobacco;
- (3) Require strong anti-smoking ads to be shown before any movie with tobacco use, regardless of rating; and
- (4) Stop identifying tobacco brands on screen.

thereof:		
AYES, Councilmembers: NOES, Councilmembers: ABSENT, Councilmembers: ABSTAIN, Councilmembers:		
	Julie Lancelle, Mayor	
ATTEST:		
Kathy O'Connell, City Clerk		
APPROVED AS TO FORM:		
Cecilia Quick, City Attorney		

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on November 9, 2009 by the following vote of the members

CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT NOVEMBER 9, 2009

Agenda Item No. 6

SUBJECT:

Adoption of Resolution Supporting C/CAG filing an Appeal on behalf of San Mateo County and San Mateo County cities choosing to participate in this action, and Direct the City Manager and City Attorney to inform C/CAG that the City of Pacifica may be named as a participating party in the appeal and to remain involved in this process.

ORIGINATED BY:

City Managers Office Engineering Department Planning and Economic Development Department

DISCUSSION:

On October 14, 2009 the San Francisco Bay Area Regional Water Quality Control Board (RWQCB) approved the Municipal Regional Permit for Storm Water for the Counties of San Mateo, Santa Clara, Alameda, and Contra Costa and the City of Fairfield. All counties are covered under this one new permit. This permit will become effective and enforceable on 12/1/09. Although there was some discussion and concern raised by municipalities, elected officials and others to the Board about the cost to the cities and the Counties, the permit was approved.

This permit will significantly raise associated costs, by a minimum of 50-75%, for the Countywide Program overseen by C/CAG and implemented by SMCWPPP (San Mateo County Water Pollution Prevention Program) as well as the costs that fall onto Cities and the County directly for implementation of monitoring and reporting, enforcement and capital upgrades to meet permit provisions. The main components driving the increased cost are trash cleanup and abatement, extensive monitoring, and new prescriptive low impact development (LID) requirements.

Entities have until November 13, 2009 to file an appeal of the permit with the State Water Resources Control Board. The issues discussed during an appeal are only those raised by the appellant. The last permit approved prior to this new permit being adopted (previous permit cycle) was appealed and a lawsuit was filed by C/CAG. This cost C/CAG approximately \$50,000 in attorney costs. If C/CAG does not appeal and the permit is appealed by a nongovernment organization (NGO) there will likely still be attorney costs encumbered by C/CAG.

Issues supporting the filing of such an appeal are detailed below:

- 1- If it was known for certain that no one else was filing an appeal, then an appeal would not be recommended.
- 2- C/CAG filing an appeal would be solely for defensive purposes to expand the appeal discussion (to include our issues) and not because we would expect significant changes to the permit language to occur.

Council Agenda Summary Report

C/CCAG MRP Appeal and Resolution

November 9, 2009

- 3- We have been informed that there will likely be at least one appeal by an NGO.
- 4- It is highly likely the City of San Jose will file an appeal.
- 5- This permit does not include C/CAG as a named agency as in previous permits.
- 6- The Bay Area Storm Water Management Agency Association (BASMAA) is putting together an appeal model that can be used by those government agencies that wish to appeal the permit.
- 7- C/CAG has funding of approximately \$75K in the SMCWPPP budget to support appeals and lawsuits. The cost of the appeal would be covered by C/CAG.
- 8- One big issue of concern that will not be addressed by an appeal is that certain requirements within the permit are unfunded mandates by the State.
- 9- Whether it is appealed or not, there may be follow-up lawsuits.
- 10- It will be necessary within the next year to file a case with the Commission on Mandates on those requirements that are considered to be unfunded mandates.
- 11- We may need to consider a Proposition 218 vote to provide funding for the Countywide and city/ county implementation programs.
- 12- A committee of the C/CAG NPDES TAC has recommended that an appeal be filed.

Given all factors mentioned above it seems appropriate to file an appeal. The appeal can always be withdrawn if no one else files an appeal. However, if someone else files an appeal it allows the city / county issues to be included in the discussion. To make certain of C/CAG's standing in the case it would be helpful if some cities or the County would also be part of the appeal. This information is needed by C/CAG 11/1/09, and Staff have informed C/CAG of support at the Staff level of such action. Named participation in the appeal would need to be provided no later than 11/12/09.

FISCAL IMPACT:

No fiscal impact to the City of Pacifica as all costs incurred in this action will be absorbed directly by SCMWPPP Budget which is overseen by the NPDES TAC and Administered by C/CAG

DOCUMENTS ATTACHED:

- 1. Resolution No. ____ A Resolution of the City Council of the City of Pacifica Authorizing an Appeal of the Municipal Regional Permit for Storm Water
- 2. Memo to City Managers from C/CAG

COUNCIL ACTION REQUESTED:

Move that the City Council ADOPT the Attached Resolution Supporting C/CAG filing an Appeal on behalf of San Mateo County and San Mateo County cities choosing to participate in this action, and Direct the City Manager and City Attorney to inform C/CAG that the City of Pacifica may be named as a participating party in the appeal and to remain involved in this process.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCILOF THE CITY OF PACIFICA AUTHORIZING AN APPEAL OF THE MUNICIPAL REGIONAL PERMIT FOR STORMWATER

WHEREAS, the Regional Water Quality Control Board (RWQCB) approved a Municipal Regional Permit for Storm-water on 10/14/2009; and

WHEREAS, the City of Pacifica is covered by the permit; and

WHEREAS, the new requirements of the permit will have a significant cost impact; and

WHEREAS, entities have to file appeals to the State Water Resources Board by11/13/09; and

WHEREAS, the City / County Association of Governments of San Mateo County (C/CAG) is filing an appeal; and

WHEREAS, a City / County appeal will make certain that the critical issues to the City of Pacifica / San Mateo County are included in the discussion;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pacifica authorizes the appeal of the Municipal Regional Permit for Storm-water.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica held on the 9th day of November 2009, by the following vote:

NOES, Councilmembers: ABSENT, Councilmembers: ABSTAIN, Councilmembers:	
By: Julie Lancelle, Mayor	-
ATTEST:	
Kathy O'Connell, City Clerk	
Approved as to form:	
Cecilia Quick City Attorney	

AVEC Councilmonboro

CITY OF PACIFICA CITY COUNCIL AGENDA SUMMARY REPORT November 9, 2009

Agenda Item No. 7

SUBJECT:

Adoption of Miscellaneous Amendments to the Pacifica Municipal Code

ORIGINATED BY:

Planning and Economic Development Department

DISCUSSION:

On February 17, 2009 the Planning Commission adopted a Resolution of Intention recommending adoption of an Ordinance amending sections of the Pacifica Municipal Code relating to fence heights, barbed wire fences, setbacks for accessory buildings, definition of attached buildings, subdivision signs, pet care and sales establishments, submittal of specific plans, and bed and breakfast inns. On October 5, 2009 the Planning Commission approved a resolution adopting a Negative Declaration and recommended (5-0) that the City Council approve an ordinance amending sections of the Pacifica Municipal Code mentioned above.

The proposed Zoning Code amendments/additions would involve; 1) increasing the maximum height of fences within the required front yard setback of residentially zoned properties; 2) amend section 9-4.2311. Barbed wired fences. The amendment would change the title from Barbed wired fences to Fences and would include a description of fencing material; 3) clarifying Section 9-4.402 (d) of the R-1 (Single-Family Residential) development regulations relating to the minimum front setbacks for garages and accessory buildings, 4) adding a definition to Section 9-4.2704 (a) (1) relating as to when a building is considered attached to another building; 5) excluding subdivision signs and other signs (as listed in Section 9-4.2903(k)) permitted by state law; 6) allowing pet care sales establishments, including boarding and grooming in the C-1, Neighborhood Commercial District, Section 9-4.1001 (b) (13); 7) requiring a Specific Plan application to be submitted simultaneously with an application to classify a parcel to Planned Development District, Section 9-4.2208 (k); and 8) amend section 9-4.462. Amend section 9-4.463 (c) (1) of the bed and breakfast Bed and breakfast defined. development regulations that would require a use permit and site development permit in any residential and commercial district including projects located within the Hillside Preservation District (HPD). Amend section 9-4.2306 (a) to eliminate subsection (12) bed and breakfast inns from the special use permit allowable uses.

These changes/additions to the Pacifica Municipal Code are intended to provide further code clarification or memorialize current policies and practices. Pet care and sales establishment, including boarding and grooming would require the approval of a Use Permit. The proposed changes/additions are described in the attached Planning Commission staff report.

City Council Agenda Summary Report Miscellaneous Amendments to the Pacifica Municipal Code November 9, 2009 Page 2

At the Planning Commission hearing, only one public comment was made that related o the proposed changes to the Bed and Breakfast inn regulations.

It is important to note that the "Definition" section of the Bed and Breakfast (B&B's) ordinance states that B&B's are a conditional use in any zoning district. While B&B's would seem to be appropriate land uses for residential and commercial districts, staff questions whether such uses are appropriate in other zoning districts such as Public Facilities (P-F) and Open Space (OS). As noted under Section 9-4.462, staff is recommending that the sentence that reads "An inn is a conditional use in all zoning districts," be modified to read "An inn is a conditional use in all residential and commercial zoning districts."

Subsection (c) of the "Development standards" section of the ordinance creates what staff is certain is an unintended result for B&B's proposed on land within the Hillside Preservation District (HPD). It states, "A special use permit and site development permit must be approved by the Planning Commission for any inn proposed in any district with the exception of the Commercial Districts. In the Commercial Districts, only a site development permit must be approved by the Commission. If located in the Hillside Preservation District (HPD), the HPD regulations shall be followed and the special use permit and site development permit shall not be required." This statement is included because the drafters of the ordinance concluded that any proposal on HPD land would go through the usual development procedure (rezoning the property to Planned Development (PD) with approval of a Development Plan). However, as stated above. B&B's are also listed as a special use under the "Special use" section of the code. Among other things, this section states, "Relation to Hillside Preservation District regulations." Hillside Preservation District regulations shall be followed; however, planned development zoning shall not be required." Therefore, B&B's proposed on HPD land do not require rezoning to PD with an approved Development Plan, because they are listed in the "Special use" section of the ordinance, but they also are specifically exempted from the requirement to obtain a special use permit and site development permit per the B&B ordinance itself. The end result is that B&B's proposed on HPD land are not required to obtain any discretionary permits. An over the counter building permit is all that is needed. Staff does not believe this was the intent of the B&B ordinance authors, and in any event believes that changes are needed to ensure B&B's require discretionary review. Therefore, staff proposes that B&B's be removed from the list of uses under the "Special use permit procedures" section of the Code. Attached is a Planning Commission memo that discusses B&B regulations.

Environmental Review (CEQA)

A Draft Negative Declaration has been prepared and circulated. The Draft Negative Declaration was available for public review and comment for 30 days, beginning August 12, 2009, and ending September 11, 2009. No comments were received. Based on the findings of the Initial Study, as prepared for the project, it has been determined that the project could not have a significant impact upon the environment. Therefore, a Negative Declaration has been prepared and attached for adoption (see attachment).

City Council Agenda Summary Report Miscellaneous Amendments to the Pacifica Municipal Code November 9, 2009 Page 3

FINDINGS (CEQA)

<u>Findings for Adoption of Negative Declaration</u>: The City Council finds that on the basis of the Initial Study and Checklist/Negative Declaration and the whole record before it, that there is no substantial evidence that the amendments to the Pacifica Municipal Code will have any significant adverse impacts on the environment. The Council also finds that the Negative Declaration reflects the Council's independent judgment and analysis.

FISCAL IMPACTS:

None

ATTACHMENTS: (City Council Only)

- 1. Resolution (Adoption of Negative Declaration) and Negative Declaration
- 2. Resolution (Adoption of Ordinance Amending Sections to the Pacifica Municipal Code)
- 3. Resolution Submitting to changes to the Coastal Commission
- 4. Planning Commission Resolution
- 5. Planning Commission Staff Report and Minutes
- 6. Planning Commission Memo Explaining B&B Changes

COUNCIL ACTION REQUESTED:

Move that the City Council ADOPT the attached Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA ADOPTING A NEGATIVE DECLARATION TO AMEND SECTIONS OF THE PACIFICA MUNICIPAL CODE RELATING TO FENCE HEIGHTS. BARBED WIRE FENCES, SETBACKS FOR ACCESSORY BUILDINGS, DEFINITION OF SUBDIVISION BUILDINGS. SIGNS. PET CARE AND SALES ATTACHED ESTBALISHEMENTS, SUBMITTAL OF SPECIFIC PLANS AND BED AND BREAKFAST INNS," and ADOPT the resolution entitled "A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF PACIFICA ADOPTING AN ORDINANCE AMENDING SECTIONS OF THE PACIFICA MUNICIPAL CODE RELATING TO FENCE HEIGHTS, BARBED WIRE FENCES, SET BACKS FOR ACCESSORY BUILDINGS, DEFINITION OF ATTACHED BUILDINGS, SUBDIVISION SIGNS, PET CARE AND SALES ESTABLISHMENTS, SUBMITTAL OF SPECIFIC PLANS AND BED AND BREAKFAST INNS," and ADOPT the resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA SUBMITTING AMENDMENTS TO SECTIONS OF THE PACIFICA MUNICIPAL CODE RELATING TO FENCE HEIGHTS. BARBED WIRE FENCES, SETBACKS FOR ACCESSORY BUILDINGS, DEFINITION OF ATTACHED BUILDINGS, SUBDIVISION SIGNS, PET CARE AND SALES ESTABLISHMENTS, SUBMITTAL OF SPECIFIC PLANS AND BED AND BREAKFAST INNS TO THE COASTAL COMMISSION FOR CERTIFICATION."

CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT November 9, 2009

Agenda Item No. 8

SUBJECT:

City of Pacifica Pavement Management System

ORIGINATED BY:

Engineering Division, Department of Public Works

BACKGROUND/DISCUSSION:

The Department of Public Works gets numerous calls from residents wanting their streets to be repaved. In responding to these requests the Engineering Division makes use of a computer software to manage the City's Pavement Management System (PMS). This PMS software was developed by the Metropolitan Transportation Commission (MTC) and is used by all jurisdictions within the County of San Mateo, as well as the entire Bay Area, in their efforts to maintain their local streets and roads.

PMS removes the guess work and bias in selecting the streets to be rehabilitated. It prioritizes the streets based on; average daily traffic, function of the street (arterial, collector, residential, etc.), type of street (fully improved or unimproved), current condition of pavement, hazard elimination, budget, etc. It ensures that the benefit received from the paving budget is maximized. With Pacifica's extremely limited paving budget, only a few streets receives rehabilitation work and these are mostly the major streets with full improvements for they benefit more people. Also, streets in these categories normally have a better pavement condition and only require the less expensive slurry seal or overlay, rather than the costly reconstruction. Close to 40% of Pacifica streets are considered to be either under improved or unimproved.

The PMS is also an effective budgetary tool. It calculates and makes recommendations on how much a jurisdiction should spend annually in order to maintain its Average Pavement Condition Index (PCI) at the very good level of 85. The measurement on how healthy the condition of a pavement network is called Pavement Condition Index (PCI). It ranges from 0 – 100 with 100 being the most favorable, it considers a range of 80 - 85 as optimum. Optimum for it only requires minimal pavement treatment to prolong the pavement's life. As the PCI drops the more extensive the treatment gets and the more costly it becomes. Unfortunately, being by the coast, Pacifica streets are constantly exposed to salt air and harsh weather, which make it deteriorate faster than that of other cities' inland. We are also isolated and most of our streets carry lower volume, which puts us in a disadvantage when competing for federal, state and local grants.

Last year the City of Pacifica was successful in securing P-TAP grant from the Metropolitan Transportation Commission. P-TAP provides local jurisdictions with assistance and expertise in implementing and maintaining their PMS. MTC directly hired a consultant, Pavement Engineering Incorporated (PEI) to conduct a visual pavement assessment of each of our City streets and determined the impact of funding levels on the network pavement condition.

Council Agenda Summary Report City of Pacifica Pavement Management System October 12, 2009 Page 2

The current average PCI for Pacifica City Streets is 59. While this places our street network in the middle range of the "good" condition category, it is sadly the lowest PCI average in the county. According to the PEI study Pacifica arterial roads, which represents 5.32% of our street network has a PCI of 74.5 (very good condition). Streets in this category normally receives a slurry seal or chip seal. Pacifica collector roads representing 21.75% of our street network has an average PCI of 61 (good condition). Streets in this category normally receive an overlay. It is the residential streets however, which makes up 72.93% of our street network, with an average PCI of 56 (lower range of good condition) that pulls our citywide average down. Streets within this range often require reconstruction, which is very costly and for which the City just does not have the funds for. Maintenance for these type of streets are carried out by City crew through repair of pot holes or placing a thin layer of asphalt over alligatored sections.

The PEI report also provides the City with different budget scenarios to better understand the importance of properly maintaining our streets and help plan for future maintenance. These recommendations are geared to help us bring our street PCI average to the optimum level of 80-85.

Scenario 1: Brings our current PCI of 59 to the optimum level of low to mid 80 within 5 years. PEI estimates that Pacifica will have to spend \$26.5 million over the next 5 years to be able to achieve this. And of this total, \$13 million will have to be allocated within the first year alone. This is to be used mostly on the reconstruction of unimproved streets, which are the streets within the bottom 32% of our network. It is more cost effective to eliminate the maintenance backlog as soon as possible.

Scenario 2: If Pacifica was to continue using the same amount we have historically used in the past 5 years, which is \$4.2 million over 5 years, our PCI will drop from the current 59 to 58. And we will have a deferred maintenance price tag of \$23.3 million by 2013.

Scenario 3 (Maintaining our Current PCI level at 59): PEI estimates that Pacifica will need \$6 million over the next 5 years just to maintain our PCI at its current level. However, doing this will result in a deferred maintenance back log of \$23.1 million by 2013.

Finally, Scenario 4 (Increase PCI by 5 points): This scenario shows the effect of an annual budget level of \$1.75 million over the next five years for a total of \$8.75 million. This is will have a deferred maintenance backlog of \$20.7 million by 2013.

According to the report, Pacifica is not budgeting enough money to maintain its streets and roads thus, resulting in a maintenance backlog and continuing drop in PCI average. This year, due to budget restraints, only \$100,000 has been budgeted towards city street overlay. This is far short compared to the recommended budget of \$13 million (Scenario 1 - if we were to raise the City PCI to mid 80) or even the \$1.2 million (Scenario 3 - recommended to keep our PCI at the current low level of 59).

Engineering Staff is very aware of the important facts provided in this report and is committed to making every effort to look for available funding opportunities. Staff recently was able to secure \$671,000 of paving money from the American Recovery and Reinvestment Act. But again, this is nowhere close to what we should be spending on paving projects and our average PCI will continue to drop. Unfortunately, with the current economic slump, the available grants for street overlays from both Federal and State have become scarce.

Council Agenda Summary Report City of Pacifica Pavement Management System October 12, 2009 Page 3

Therefore, it is Staff's intent to work closely with Council during the upcoming budget season to come up with the proper funding for more paving projects.

FISCAL IMPACT:

None

DOCUMENTS ATTACHED:

None. The City of Pacifica Pavement Management System 2008/2009 Annual Update by PEI is available at the Office of the Director of Public Works and will be available at the time of the meeting.

COUNCIL ACTION REQUESTED:

For Council Information.

CITY OF PACIFICA

CITY COUNCIL AGENDA SUMMARY REPORT

November 9, 2009

AGENDA ITEM NO. 9

SUBJECT:

Replacement of Emergency Medical Services (EMS) Coordinator Vehicle

ORIGINATED BY:

Fire Department and Administrative Services

DISCUSSION:

In 1997, the City of Pacifica entered into a "Joint Powers Agreement Establishing the San Mateo Pre-Hospital Emergency Services Providers Group" with San Mateo County and most of the cities with fire departments and each of the fire districts in San Mateo County. The joint powers agency ("JPA") provides pre-hospital emergency services in San Mateo County. City of Pacifica is a member of the JPA. On March 3, 2009, San Mateo County entered into "An Agreement with American Medical Response West, a California Corporation ("AMR") for Countywide Emergency Ambulance Service. AMR currently provides Countywide emergency ambulance services, except within the City of South San Francisco.

The AMR Ambulance Agreement, through a subsequent Operations Agreement, requires that AMR to provide four (4) vehicles to the JPA for use by its EMS Supervisors. One of the four vehicles, per the agreement, is owned and staffed by the City of Pacifica.

The current vehicle is due for replacement and per the existing operations agreement AMR is to purchase the replacement. Since the City can more expeditiously purchase the vehicle and as a government agency, register the vehicle as an exempt plated emergency, vehicle, the City and AMR have agreed to a reimbursement agreement for replacing the EMS vehicle. AMR will provide funding and the City will purchase the replacement vehicle. AMR will deposit with City Fifty Thousand Dollars (\$50,000), which the City will use to purchase one EMS Supervisor Vehicle for use by the JPA pursuant to Paragraph VI(B) of Schedule A of the Ambulance Agreement.

The attached reimbursement agreement details the reimbursement transaction for the replacement vehicle. It has been reviewed by the City Attorney and signed by both AMR and San Mateo County's Emergency Medical Services Executive Director. Staff have also requested and received three bids for the purchase of the vehicle. The Fleet Services Manager and Public Works Director for the City have reviewed these bids and American Medical Response (AMR) and San Mateo County EMS JPA have reviewed the bids as well. The lowest bidder is SF Ford, with a purchase price of \$27,594.38. The vehicle will need additional custom work to make it fully functional for use as an emergency medical vehicle. The total cost of purchase and customization is expected to be approximately \$50,000.

FISCAL IMPACT:

The City of Pacifica will receive a deposit from AMR of \$50,000 upon execution of the agreement for purchase of the EMS Vehicle. Staff is prepared, upon approval of the City Council, to purchase and replace the existing EMS Supervisor vehicle. There is no direct cost to the City for the purchase of a replacement vehicle, as AMR is required to provide the EMS vehicle fully customized and ready for use per the current agreement.

ATTACHMENTS:

- Agreement between City of Pacifica and American Medical Response (AMR) for cost reimbursement for purchase of EMS Supervisor Vehicle
- Bid document

COUNCIL ACTION REQUESTED:

- 1) Authorize City Manager to execute agreement with AMR for cost reimbursement for purchase of EMS Supervisor Vehicle.
- 2) Authorize the City Manager to execute the necessary documents for purchase of the replacement EMS vehicle.

CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT

November 9, 2009

Agenda Item No. 10

SUBJECT:

Introduction of An Ordinance of the City Council adding Article 19 to Chapter 7 of Title 4 of the Pacifica Municipal Code regarding removal or towing of vehicles. (Proposed action: Introduce ordinance.)

ORIGINATED BY:

Police Department and City Attorney's Office.

DISCUSSION:

Chapter 7 of Pacifica Municipal Code contains traffic regulations. Section 22651(n) of the California Vehicle Codes states that in order for a local authority to lawfully tow a vehicle from a "tow away zone", the local authority is required to pass an ordinance or resolution prohibiting parking and authorizing the removal of vehicles. The section also requires the posting of signs giving notice of vehicle removal.

Enacting the attached ordinance, Title 4, Chapter 7, Article 19 "Removal or Towing of Vehicles", will allow the City to lawfully erect "Tow Away Zones" on City streets where this action may be required, as in the area of the Farmer's Market. Police officers may then tow vehicles parked in these zones pursuant to Vehicle Code Section 22651(n).

Staff recommends the adoption of Section 4-7.1901 of the Pacifica Municipal Code.

FISCAL IMPACT:

No fiscal impact to the City.

ATTACHMENT:

Ordinance.

COUNCIL ACTION REQUESTED:

Move to read an ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA ADDING ARTICLE 19 TO CHAPTER 7 OF THE PACIFICA MUNICIPAL CODE REGARDING REMOVAL OR TOWING OF VEHICLES, by title only and waive reading beyond the title.

Move to introduce the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA ADDING ARTICLE 19 TO CHAPTER 7 OF TITLE 4 OF THE PACIFICA MUNICIPAL CODE REGARDING REMOVAL OR TOWING OF VEHICLES

The City Council of the City of Pacifica does hereby ordain as follows:

SECTION 1. Chapter 7 of Title 4 of the Pacifica Municipal Code is hereby amended to add Article 14 to read as follows:

"Article 19. Removal or Towing of Vehicles.

Section 4-7-1901. Removal or Towing of Vehicles.

- (a) Any police officer may remove or cause to be removed a vehicle from any public street or public alley within the city limits to the nearest public garage or other place of safety, or to a garage designated or maintained by the City, under the following circumstances:
- (1) When a vehicle is parked or left standing where the City, by resolution or ordinance, has prohibited parking and has authorized the removal of vehicles and has posted signs giving notice of such removal;
- (2) When a vehicle is illegally parked on a public street or public alley in violation of a City ordinance forbidding standing or parking and the use of the public street or public alley or portion thereof is necessary for the cleaning, repair, or construction of the public street or public alley, or for the installation of underground utilities, and signs giving notice that the vehicle may be removed are erected or placed at least twenty-four hours prior to the removal by the authorities of the City pursuant to this Section;
- (3) When a vehicle is parked where the use of the public street or public alley or any portion thereof is authorized by the City for purposes other than the normal flow of traffic; or for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would interfere with such use or movement and signs giving notice that such vehicle may be removed are erected or placed at least twenty-four hours prior to the removal by the authorities of the City pursuant to this Section."

SECTION 2. Severability.

If any provision of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance. The City Council hereby declares that this Ordinance, and each section, subsection, sentence, clause and phrase thereof, would have been adopted by the City Council regardless of the fact that any other section, subsection, sentence, clause or phrase might be declared to be invalid or unconstitutional.

SECTION 3. Publication.

The City Clerk shall cause this Ordinance to be published once within fifteen days after its passage in the Pacifica Tribune, a newspaper of general circulation, published and circulated in the City of Pacifica in accordance with Government Code Section 36933, and shall cause this Ordinance to be entered in the Pacifica Municipal Code.

SECTION 4. Effective Date.

This Ordinance shall become effective thirty days after its final passage.