

MINUTES

City Council Regular Meeting
2212 Beach Boulevard
Pacifica, CA 94044

November 9, 2009

Mayor Lancelle called the meeting to order at 6:15 p.m., stating that all councilmembers were present. City Attorney Quick announced the business to be discussed:

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 and 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.

Mayor Lancelle announced that the Council would convene to Closed Session.

Mayor Lancelle reconvened to Open Session at 7:00 p.m.

Present: Councilmembers: Vreeland, Nihart, DeJarnatt, Digre, and Lancelle.
Excused: Councilmembers: None.

Staff Present: Steve Rhodes, City Manager; Cecilia Quick, City Attorney; Ann Ritzma, Administrative Services Director; Michael Crabtree, Planning Director; Lee Diaz, Associate Planner; Kathy O'Connell, City Clerk.

Councilmember Nihart led the Salute to the Flag.

Commission Liaison: Commissioner Campbell.
Chamber Liaison: None.

CLOSED SESSION:

City Attorney Quick reported that no reportable action was taken.

CONSENT CALENDAR:

Councilmember DeJarnatt moved approval of the Consent Calendar, as amended, as follows: 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, as set forth in Item #1; Approval of Minutes of regular City Council meeting of October 26, 2009, as set forth in Item #2; 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, as set forth in Item #3; Adoption of Resolution Extending the Golf Course Task Force, as set forth in Item #4; Adoption of Resolution in Support of Smoke-Free Movies, as set forth in Item #5; Adoption of a 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, as set forth in Item #6; seconded by Councilmember Nihart.

Mayor Lancelle stated that on the bottom of page 4 where she mentioned “... having a small museum at the Visitor’s Center on the building of the tunnel ...” she was actually suggesting that they create a small Visitor’s Center at the Pedro Point site vacated by Caltrans. She then stated that Mr. Sifry pointed out that, under Closed Session, they should use the actual language used by the City Attorney that she had nothing to report, rather than just the word “none” and she agreed with that suggestion.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion carried: 5-0.

SPECIAL PRESENTATION:

Capt. Dave Bertini, speaking as the President of the Rotary Club, mentioned some of the worldwide projects that the Rotary Club sponsored such as eradicating polio, then specifically mentioned some of the projects done by the Pacifica chapter,. He then gave a brief report on the Rotary Club’s repainting of the Sanchez Library, which was the biggest project their chapter has undertaken. He then invited everyone to a rededication of the library on Saturday.

Mayor Lancelle expressed the Council’s appreciation of what he and the Rotary Club did. She then introduced Lynn Adams who was making a report on the Coastal Cleanup.

Lynn Adams invited the Beach Coalition and Coastal Cleanup team captains to join her at the podium, stating that she thought it was important for the Council to hear the stories directly from the people participating, numbering 1,296 on September 19, 2009, and she briefly mentioned some of what was collected, especially Styrofoam. She stated that Redwood City enacted an ordinance which carried a \$1,000 fine for littering of cigarette butts, adding that she thought Pacifica should consider doing the same to manage the cigarette butt problem. The various captains then gave their personal stories, including the groups that helped them, the area of the City that they cleaned up and what they picked up, as well as the interesting wildlife seen and the individuals they encountered and enlightened while doing it. Ms. Adams then stated that it was a thrill to see people get turned on and concluded their presentation by challenging Pacifica to continue and join the cause, with preparations starting in December in anticipation of Earth Day in April 2010.

Mayor Lancelle thanked Ms. Adams for her good work in mobilizing the effort, as well as the efforts of the various members of the environmental family.

Ms. Adams acknowledged all the leaders and groups who step up when she asks for help.

Mayor Lancelle asked staff to look into the Redwood City ordinance regarding cigarette butts.

Councilmember Nihart stated that she wanted to thank Ms. Adams also and, in referring to a comment by Ian Butler, stated that she would reserve her report on that meeting until Council Communications. She then mentioned that Mr. Butler goes down to the secret waterfall many times a week to haul out hundreds of pounds of trash, and she was so impressed. She looked forward to finding a way to change the amount he has to haul out of there. She appreciated what everyone in the community did to help. She concluded that we have to do something about litter, commenting that she didn't know how to get the dumping to stop and noted that there was already a TV set and a computer screen at the Golf Course. She acknowledged the oldest volunteer at Coastal Cleanup, Rugur Artozoya, who will be 90 next week.

Councilmember Vreeland acknowledged Thomas from the 4H Club for instilling involvement and civic pride, and promised that the City would do what they can to help him continue to evolve as a public citizen.

PUBLIC HEARINGS:

7. Adoption of Miscellaneous Amendments to the Pacifica Municipal Code.

Associate Planner Diaz presented the staff report.

Mayor Lancelle opened the Public Hearing.

Dave Blackman, Vallemar, felt there was a problem with the bed and breakfast component of the ordinance. He acknowledged that people could put a bed and breakfast in sensitive areas without oversight, but he felt there were a few pieces of property where the only allowable use was a bed and breakfast and eliminating that would cause a bigger problem because the laws would have to be changed through the public process. He agreed they needed something but felt they needed to tweak that section rather than expect a citizen to fix problems that don't work.

Mayor Lancelle closed the Public Hearing.

Councilmember Nihart had spoken to the Planning Director previously, but now asked if the land Mr. Blackman referred to regarding bed and breakfasts was zoned for public use.

Planning Director Crabtree stated that the properties referred to by Mr. Blackman were zoned as public facilities plus and the types of uses allowed would be public facilities uses and the "plus" sign meant that a public vote was required to rezone the properties, adding that the plus sign was placed on those properties via a public vote in 1983.

Councilmember Nihart asked if those all existed in residential areas.

Planning Director Crabtree stated that the two properties to which Mr. Blackman was referring were in residential areas.

Councilmember Nihart asked clarification that there was a loop where they refer to something that wasn't finished and they needed to fix that.

Planning Director Crabtree agreed, stating that this was his first experience of getting into a loop in the code. The concern was that, with the present code regarding these properties that are also zoned Hillside Preservation District which were the most sensitive properties, the loop would take them to one section stating they need a permit and then sends them to another section where they

didn't need a permit and ultimately they didn't need discretionary permits to build a bed and breakfast on HPD property. Staff didn't believe that was the intention of the drafters of the ordinance or that the citizens thought they were creating this type of scenario when they voted on these properties.

Councilmember Nihart asked whether it could be placed on the ballot by a developer, by signatures or by the Council.

Planning Director Crabtree stated that it was his understanding that those were the options, adding that the City Attorney could probably elaborate on that.

City Attorney Quick concurred with his understanding.

Councilmember DeJarnatt had spoken with the Planning Director and was pleased with this because he felt it closed the loophole, which bothered him. He was happy with the changes and would make a motion when they were ready.

Councilmember Vreeland asked if Planning Commissioner Campbell had anything to add to the discussion since the Commission spent a lot of time on this.

Planning Commissioner Campbell stated that the Commission supported this motion, adding that during their deliberations, they found there was an element of surprise to surrounding landowners that there could be a bed and breakfast without any permit, and the Commission was concerned about that.

Councilmember Vreeland asked clarification that they were looking at policy issues that appeared to be a problem rather than being directed at any one property.

Planning Commissioner Campbell agreed, stating that it would affect other properties going forward which had that type of use designation located on hillsides throughout the City.

Councilmember Vreeland asked if they had gotten any feedback about the height of fences and front setbacks.

Planning Director Crabtree stated that they hadn't gotten any feedback when the change was proposed, but they had people come asking for extra height on their fences for a variety of reasons. Staff's initial concern was the visual impact, but the provision requiring the extra height to be open works seemed to satisfy everyone and they didn't receive any negative comments on it.

Councilmember Vreeland commented that the height of walls had been a sensitive issue over the years, and he was interested regarding any feedback. He thought concerns on a heavily trafficked street such as Linda Mar was what prompted them to look at it.

Planning Director Crabtree agreed, adding that this was a compromise to make sure they weren't walling off the street, but requiring open works with any extra height seemed to be a nice compromise.

Mayor pro Tem Digre appreciated staff and the Planning Commission for being quite thorough about this initiative.

Councilmember Nihart asked if part of the bed and breakfast issue was the use permit.

Planning Director Crabtree agreed that it was to ensure that there was a use permit.

Councilmember Nihart asked clarification that, in this specific location, it was considered special use and there was no use permit.

Planning Director Crabtree clarified that if it were just a special use, it would need a use permit, but because of the present convoluted nature, it sent you back to the “twilight zone.”

Councilmember Nihart stated that it seemed logical that a small hotel would require a use permit.

Planning Director Crabtree agreed that it did seem to be the case to staff and the Planning Commission as well.

Councilmember Vreeland asked the City Attorney if she had read all of it and was comfortable with the changes being made.

City Attorney Quick stated that she had worked with staff and had reviewed the negative declaration and the code amendments and felt it was well within the City’s police power.

Councilmember Vreeland asked if she had no concerns from a legal issue.

City Attorney Quick stated that she did not, adding that it was well within their governmental authority.

Councilmember DeJarnatt moved 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, 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 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;” seconded by Mayor pro Tem Digre.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

City Attorney Quick stated that the staff report references the Council adopting the resolution, and this was an ordinance, so she asked that they waive further reading beyond the title of the ordinance and move introduction of the ordinance by title only.

Councilmember DeJarnatt moved to waive reading beyond the title of the ordinance and move introduction of the ordinance and further readings to be waived; Mayor pro Tem Digre.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

COUNCIL COMMUNICATIONS:

Councilmember Nihart congratulated everyone who worked on the Golf Course and was grateful that they were moving forward with the Sharp Park Golf Course. She thanked the Rotary Club for their work. She attended the articulation meeting and they were moving ahead with the youth involvement from the Jefferson and Pacifica school districts and would also attend the upcoming subcommittee meeting. She congratulated the Pacifica Education Foundation on their successful fundraiser. She reported that Daly City Councilmember David Canapa, Ian Butler, Lynn Adams joined her to look at the secret waterfall and discuss the fact that most of the garbage was coming from Daly City. She mentioned to the Daly City Councilmember that we had passed a Styrofoam ordinance and felt there should be some involvement from Daly City. She stated that the Beach Coalition would help them in a collaborative way.

Mayor pro Tem Digre stated that she would like to adjourn the meeting in honor of the military who were killed at Ft. Hood. She mentioned that Pacifica's birthday was November 22, and she complimented all individuals but especially Anna Boothe on her hard work, as well as PCT volunteers. She reported that the Manor Drive bridge repair project was starting and there would be detours which would cause some traffic issues, all for good reason. She stated that City Engineer Ocampo would keep the businesses in the area informed to allow them to continue business in a good way. She referred to the program with a panel regarding the Palmetto streetscape and encouraged everyone to tune in to the program. She mentioned that there was a Pacifica resident at Ft. Hood who fortunately was okay. She thanked the community for turning out at the fire station for packing day. She mentioned a kickoff for hepatitis B, adding that a doctor recommended that all children be vaccinated for it along with all rescue workers.

Councilmember Vreeland stated that he attended the Transportation Authority meeting where they discussed several issues, such as smart corridors. He asked staff to put the Highway 1 San Pedro Creek bridge replacement project on their next agenda, mentioning that they had money from various funds to help pay for parts of the project. He asked for an update because it was an element of the larger flood control project. He felt they should look at what Caltrans' involvement was and why the City was spending time and money rather than the state. He asked for an update on the Shell station at Manor on where they were. He was aware that code enforcement was looking into some of it.

City Manager Rhodes states that staff had been talking with the owner, adding that there wasn't as much movement as they would like because of the insurance issues involved. He stated that the City was in the process of an abatement notice to them which gives them a time in which to begin work. They were hopeful that it would encourage the insurance people to get busy and resolve it and the project should hopefully move forward in the next 30-60 days.

Councilmember Vreeland stated that, if that doesn't help, it should be brought to the Council to see what they can do. He mentioned receiving a letter regarding unauthorized fill activity at a site in town, and asked what staff's role was and how they coordinate these things.

City Manager Rhodes stated that Planning staff was working with the involved resource agencies, mentioning a request made to the City to do a stop work order. He stated that the problem with this situation was that no one was making progress with the property owner, but they were working in a coordinated way to find some resolution to the issues.

Councilmember Vreeland mentioned areas in the City where they were putting in new ADA curb cuts. He asked if there was an overall map on the projects.

City Manager Rhodes stated that those were part of the overlay work they were doing. He mentioned that they were required by Federal law to put in the curb cuts when they do an overlay, mentioning the various streets involved, such as Monterey, Manor and Oddstad.

Councilmember Vreeland thought they looked great and wished they could do more in other areas of Pacifica. He was asking in response to questions from citizens about why they weren't getting the curb cuts in their neighborhood and appreciated the information to put that in perspective.

Councilmember Nihart wanted to make sure people knew the Economic Development Committee was meeting on Tuesday and Financing City Services meeting on Thursday. She also attended a meeting on Hepatitis B3, which was also a campaign to educate the public.

Mayor Lancelle attended the GGNRA advisory committee meeting where the trail going in when the tunnel goes in was discussed. She had the good fortune to accept, on behalf of Pacifica, a special honor for the Bill of Rights of Children and Youth anniversary celebration given to Pacifica and Redwood City by the Board of Supervisors. She stated that Assemblyman Jerry Hill was also present to honor Pacifica. She had two copies of the Bill of Rights, suggesting that they hang one in the Council Chambers and one at City Hall. She was honored to represent Pacifica, adding that she was excited that this was going forward, expressing her appreciation for the work being done with the two school districts of which Mayor pro Tem Digre and Councilmember Nihart were a part. She also attended the Pacifica Land Trust event. She then reminded the public that Channel 26 would be having their annual fundraiser the following weekend. She reminded everyone that they could buy cloth bags at Safeway and avoid using plastic bags. She felt they were inexpensive and would help toward alleviating the plastic being picked up on the cleanup days. She mentioned that the San Mateo County Visitors' Bureau had a pamphlet and she encouraged everyone to send in information to get included in the pamphlet. She asked if any Councilmember would like to participate in a ribbon cutting ceremony on Wednesday at Skyline College. She then thanked Councilmember Nihart for volunteering, adding that she would give her the details. She mentioned that she had a C/CAG meeting and would not be able to attend the Financing City Services committee meeting. She also mentioned that the tree lighting ceremony was scheduled for December 4.

ORAL COMMUNICATIONS

Mayor Lancelle opened Oral Communications.

Kathy Meeh, 1276 Alicante Drive, mentioned the various sources of revenue to the City from the various aspects at the golf course, such as the restaurant and pro shop. She mentioned that there was a website that provided more information on the status of the golf course. She then mentioned various problems that she felt contributed to the City being at the bottom of the San Mateo County economic heap, such as "sewer gate." She stated that the citizens were waiting to hear from the Council regarding how these problems will be fixed for the City.

Therese Dyer, 1408 Crespi Drive, commented that all the councilmembers gave detailed reports as to their activities except for Councilmember DeJarnatt and she was inviting him to go to Seniors on the Move in South San Francisco. She mentioned it now because there was no mention of it in the *Tribune* and the deadline was the following Friday. She stated that she was concerned about the business licenses in the City, mentioning that the contractor who replaced her roof and gave her a 15-year guarantee, had a license from the City but had left the area and she could not find any trace of him. She questioned what liability the City had in these types of situation. She also mentioned a contractor who was advertising and did not have a license, and she felt the Council needed to speak to their building inspector regarding that. She then referred to the fine levied on the City for the sewer spill in January, as well as the weeds, etc., clogging the sewers in Vallemar. She felt that the street sweepers should get on the ball before we get fined for that.

Robert Holden, 1416 Grand Avenue, requested that the City Council institute a view ordinance in the planning codes, which would balance the rights of the various property owners to develop their property and other property owners to protect their views and home values. He felt that no one should profit by improvements at the expense of neighboring property owners.

Mayor Lancelle interpreted the code of conduct as allowing them to address comments at the end of Oral Communications.

City Attorney Quick stated that the Council can make a request that staff provide a report, put it on the agenda, or give directions to the City Manager to come back with an agenda item for the entire Council to address.

Anna Boothe, Pacifica, invited everyone to Pacifica's 52nd birthday party on November 22 at the Mildren Owen Concert Hall, mentioning that Al Young would be their guest poet, giving many of his accomplishments and honors, and mentioned others who would also be performing.

Tod Schlesinger, Linda Mar, responded to Councilmember Vreeland's question at the previous meeting regarding whether he was speaking about Councilmember Vreeland, stating "if the shoe fits."

Mayor Lancelle referred Mr. Schlesinger to the code of conduct.

Mr. Schlesinger stated that he was merely responding to Councilmember Vreeland's question.

Mayor Lancelle asked that he address the whole Council, not individuals.

Mr. Schlesinger then mentioned the City's \$2.3 million fine, and felt an apology was in order because Jeff Simons had brought this to everyone's attention prior to that. He stated that the public had been told that the beach was closed because of tar balls, and it was not the case. He felt that was a blatant lie. He added that any excuses about how it would be corrected were not going to fix the problem. He felt this was an expensive correction, mentioning that he had spoken to Larry Beaver ten years ago when he ran Public Works. He felt it was a fiasco which had gone on for too long, and no one was taking responsibility for it. He referred to people's expressions of gratitude for what the Council has done and he stated that he was expressing his gratitude with a box of Twinkies.

Martin Anaya, Executive Director of Pacifica Community Television, acknowledged Mayor pro Tem Digre and Mayor Lancelle for recognizing their annual telethon. He stated a strong component of a healthy community was a well-funded and well-supported community media center, and they were working to see that it happens even with the challenges of the present economy. He invited everyone to participate by bidding high and often. He stated that they just returned from the annual conference of the Alliance for Community Medias where Pacifica Community Television won eight awards, more than any other community media center, and he attributed it to the local producers and the interns, as well as everyone else who participated.

David Blackman, Vallemar, stated that he grew up in the north end of Pacifica where the road was often closed because of the heavy sand on the road, but now he mentioned the work being done by Caltrans on the storm drains, and he wondered if anyone was overseeing things. He mentioned some specific things that can be done to possibly slow down the runoff.

Mayor Lancelle referred to Mr. Holden's comments on the view ordinance, and mentioned that the Council had tasked the Planning Commission to return to the Council with something to address that issue. She felt it was a significant issue in Pacifica, and she asked the City Attorney if the proper methodology would be to agendize it.

City Attorney Quick responded that it was appropriate.

Mayor Lancelle then asked that they do that so that they can review it again, since they had not resolved anything the last time. She also referred to Mr. Blackman's reference to the drains, stating that it can create serious problems. She mentioned that Public Works Director Ocampo was present and she thought they should look into that, acknowledging that his solution appeared to be a good one.

Mayor Lancelle closed Oral Communications.

CONSIDERATION

8. City of Pacifica Pavement Management System.

Public Works Deputy Dir. Ocampo presented the staff report.

Mayor Lancelle commented on what causes our streets to deteriorate more quickly, and to keep drainage from going under the paving.

Public Works Deputy Dir. Ocampo stated that the 26.5 million budget didn't include improving the streets with curbs and gutters. When needed, they will put in a drainage system, but it will not be a complete overhaul.

Mayor Lancelle asked if they would coordinate this with the sewer plant project.

Public Works Deputy Dir. Ocampo explained that, with every proposed paving project, they send out the plans to all the different utilities including Pacifica's Public Works and ask if there are any pending projects with timelines so they can re-prioritize the streets.

Mayor Lancelle thought it would make sense.

Public Works Deputy Dir. Ocampo reiterated that it was part of the operating procedure.

Councilmember Nihart stated she was going to ask about the money, acknowledging that it was important that they begin to address the infrastructure but money was an issue. She asked if the numbers were hard or rough estimates.

Public Works Deputy Dir. Ocampo stated that they were estimates, and it was dependent on the cost of fuel because asphalt was a petroleum product. He stated it was also tied to the economy and if not many jurisdictions were doing work, they would get a better price.

Councilmember Nihart referred to getting to \$23 million in 2013 and his comment that it was a maintenance backlog and asked if it would be all the streets that have deteriorated during that time.

Public Works Deputy Dir. Ocampo stated that the goal of spending \$26.5 million was to bring the average PCI to 85. He stated that we had a lot of unimproved residential streets which were the ones dragging the City's average down.

Councilmember Nihart asked if that included the ones adopted from the County.

Public Works Deputy Dir. Ocampo thought that 98% of them were the ones we adopted.

Mayor Lancelle asked about the types of funding programs, such as grants, and then referred to some residents who have created an assessment district on their street to have the paving done. She asked if there would be a plan on how to structure this work going forward.

Public Works Deputy Dir. Ocampo stated that they had a couple of streets that were paved that way, referring to a few streets in Vallemar where the neighbors joined together. Public Works staff worked with the community where the City prepped the base and the homeowners hired a local contractor who came in and paved it, using the cheaper asphalt berm rather than concrete curbs which enabled the water to be contained within the asphalt pavement as it drains.

Mayor Lancelle opened public comments.

David Blackman, Vallemar, commented that it came from funding, mentioning a personal situation with a rental truck with an anti-roll computer which shut off when it thought it rolled, because the roads were so bad. He mentioned that home purchasers' costs in Fairmont included the cost of the road being built, but that was not the case in Vallemar or in Pedro Point. He then stated that he would be willing to get on an assessment district as would some of his neighbors, if the City would organize it. He felt it was difficult for homeowners to organize it. He stated that Belvedere had a similar program.

Mayor Lancelle closed public comments.

Councilmember DeJarnatt asked if the study took into account the Class B and Class C streets.

Public Works Deputy Dir. Ocampo responded affirmatively, adding that was why the City's average PCI was low, because of those streets.

Councilmember DeJarnatt thought those streets were not the City's responsibility.

Public Works Deputy Dir. Ocampo stated that we had the responsibility to maintain the streets at the level when we acquired it from the County, but not required to improve it.

Councilmember DeJarnatt acknowledged that it was true, but added that they weren't in great shape when the City acquired them from the County. He agreed that the City had a responsibility to do what it can.

Public Works Deputy Dir. Ocampo referred to that as bridging the gap.

Councilmember DeJarnatt mentioned that there was an interest in improving a street in Vallemar but the residents decided it wasn't worth it when they found out the cost.

Councilmember Nihart appreciated Mr. Blackman's comments, and asked if there was a way to streamline or assist in organizing an assessment district because they were hard to organize. She would like to know if there was a way.

Public Works Deputy Dir. Ocampo explained that, to create an assessment district, they needed to have an engineer's report and then determine how it would be financed. He stated that, in Vallemar, it was more informal, which he felt was the most economical way of doing it, especially for short streets.

Councilmember Vreeland stated that he didn't think there was an action to be taken, but he would make a motion to accept the report and move on because of the lateness of the hour, then adding that they really didn't need a motion at all.

Mayor Lancelle asked staff to give them examples of what other cities have done, because she felt they needed to begin taking steps to address this problem.

Public Works Deputy Dir. Ocampo stated that they would look at Belvedere's program, as well as sending out feelers to adjacent cities and see if they have a similar program. He stated that his goal was to come up with a boilerplate of an engineering study which required very little effort to use. He added that his goal was to help our neighbors help us, a community hand in hand partnership.

9. Replacement of Emergency Medical Services (AMR) Coordinator Vehicle.

Administrative Services Director Ritzma presented the staff report.

There were no public comments.

Councilmember Nihart was thrilled that they come up with these kinds of agreements.

Councilmember Nihart moved to 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; seconded by Councilmember Vreeland.

Councilmember Vreeland asked if there was no direct cost to the City for the purchase of this replacement vehicle.

Admin. Services Director Ritzma responded affirmatively.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

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.”

Captain Dave Bertini presented the staff report.

Mayor Lancelle asked if the car would get towed to a local tow company in Pacifica.

Captain Bertini responded affirmatively, explaining that the Police Department towed vehicles in numerous situations and had contracts with three companies in Pacifica, and stipulated that they must maintain a yard in Pacifica. The City used the three companies in rotation, and to get their vehicle back, the individual had to go to the Police Department, pay a fee and get a release form, then go to the yard and pay the towing and storage to have the vehicle released.

Mayor Lancelle asked what the fees were for the police and the towing company.

Captain Bertini stated that the City’s release fee was \$70, and the tow companies were limited by the vehicle code as to what they can charge. He didn’t have the numbers, but they used the same fee schedule as the CHP allows.

Mayor Lancelle stated that she was asking as a way of advising the public should they approve this ordinance, because it would be an expensive process.

Captain Bertini stated that a police tow itself was over \$200.

Councilmember Nihart appreciated the work, and asked about the mention of normal flow of traffic. She stated that some streets were posted that they would get a ticket within a certain distance, and asked the distance.

Captain Bertini stated that it was within 6 feet from the center of the roadway.

Councilmember Nihart asked confirmation that they weren’t towing people for that.

Captain Bertini explained that, if there was a wide load going down the street where people were normally allowed to park, they were allowed to post signs.

Councilmember Nihart explained that she was inquiring for some individuals in that similar situation who were wondering if this was applying to their streets.

Captain Bertini stated that this would not apply to them unless the City decided to put a tow away zone sign there.

There were no public comments.

Councilmember DeJarnatt moved 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 that further reading be waived); seconded by Councilmember Nihart.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

Councilmember DeJarnatt moved to introduce the ordinance; seconded by Councilmember Nihart.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

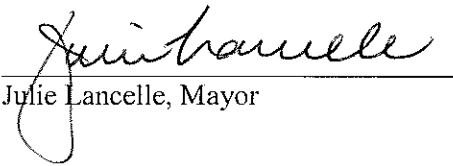
Mayor Lancelle adjourned the meeting at 8:55 p.m., in honor and memory of those who died at Ft. Hood.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 4-0; Councilmember Nihart Absent; 11/23/09


Julie Lancelle, Mayor