

# CITY OF PACIFICA CITY COUNCIL AGENDA

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

CITY COUNCIL CHAMBERS  
2212 BEACH BOULEVARD  
PACIFICA, CALIFORNIA 94044

**May 10, 2010**

[www.cityofpacifica.org](http://www.cityofpacifica.org)

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## Call to Order – Open Meeting

5:00 p.m.      **CLOSED SESSION ITEM:**

1.      **PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)** Conference with legal counsel, existing litigation. In the matter of City of Pacifica, California Regional Water Quality Control Board, San Francisco Bay Region Complaint No. R2-2009-0075; and Our Children's Earth v. City of Pacifica, U.S. District Court, Case No. CV-08-5201 EMC.
2.      **PURSUANT TO GOVERNMENT CODE SECTION 54957.6** Conference with labor negotiator: Agency negotiator: Ann Ritzma. Employee Organization: Fire Fighters Local 2400; Teamsters Local 856 Battalion Chiefs: Pacifica Police Officers Association; Pacifica Police Supervisors Association; Police Management Teamsters Local 350.
3.      **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. Negotiating parties: City of Pacifica and Fairmont Subdivision Improvement Association. Property: 649 Parkview Circle, Pacifica, CA.

The public will have an opportunity to comment on these items before the City Council goes into closed session.

## RECONVENE TO OPEN SESSION

7:00 p.m.

Call to Order  
Roll Call  
Salute to the Flag led by Mayor pro Tem Nihart  
Commission Liaisons:  
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 04/14/10 to 04/23/10 in the amount of \$936,842.79. Regular and quick checks numbered 8659 to 8837 (**Proposed action:** approve)

2. Approval of Minutes of Regular City Council Meeting of April 26, 2010 (**Proposed action:** approve)
3. Approval of Contract Change Order in the Amount of \$60,000 for the San Francisco RV Park Trail Project. No Additional Budget Authority is Required. [Money was previously budgeted in the Capital Improvement Fund 22, Account Number 22.9000000.52800.0054.00] (**Proposed action:** approve funding increase for the San Francisco RV Park Trail Project in the amount of \$60,000 for a total project funding of \$254,647.20)
4. 400 Block of Esplanade Temporary Access and Use Agreement 60 Day Extension (**Proposed action:** approve the extension for the Temporary Access and Use Agreement between the City of Pacifica and owners of apartment building 360-380 Esplanade; authorize the City Manager to execute the extension)
5. FEMA Assistance to Firefighters Grant Funding for Required Communications Narrow Banding to Upgrade Mobile Radios and Fire Station Alerting Systems within North County Fire Authority (**Proposed action:** accept the Pacifica share of \$108,373.50 from the Regional Grant of \$390,717.50 for Communications Narrow Banding Upgrade for Mobile Radios and Fire Station Alerting Systems)
6. Authorize Staff to Advertise for Sealed Bids the Sanitary Sewer Mainline Replacement At Lewis Lane Project (**Proposed action:** authorize staff to advertise for sealed bids the Sanitary Sewer Mainline Replacement at Lewis Lane project)
7. Waiver of Building Permit Fees for Pacifica Historical Society (**Proposed action:** move that the City Council grant the fee waiver request in the amount of \$8,183)

### **SPECIAL PRESENTATION**

- ❖ Commendations – Captain Chuck Pomicpic, Fire Engineer Jeff Higgins, Firefighter Ken Schneider, Captain Joe O'Brien, Fire Engineer Pat Mahoney and Captain Steve Islander
- ❖ San Mateo County Transit District
- ❖ Tobacco in Hollywood – Oceana High School

### **PUBLIC HEARING**

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

#### **Sewer Rates**

8. Public Hearing on Proposed Ordinance Amending Section 6-6.404 and Section 6-6.406 of the Pacifica Municipal Code (Sewer Rates) (**Proposed action:** 1) move that the ordinance entitled “An Ordinance of the City Council of the City of Pacifica Amending Sections 6-6.404 and 6-6.406 of Chapter 6, Title 6, (Sewer Charges) of the Pacifica Municipal Code to Revise and Increase the City’s Sewer Chares” be read by title only and that further reading be waived; and 2) move introduction of the ordinance)
9. Adoption of an Ordinance Requiring Planning Commission Review of Single-Family Residences Over a Certain Size (**Proposed action:** 1) move that the attached ordinance entitled “An Ordinance of the City Council of the City of Pacifica Amending Chapter 4 of Title 9 of the Pacifica Municipal Code to Require a Site Development Permit for Single-Family Dwellings over a Certain Size”, be read by title only and that further reading be waived; 2) move introduction of the ordinance; 3) move that the ordinance be agendized for City Council review within \_\_\_\_\_ of its adoption)

### **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**

None.

## **ADJOURN**

**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 90<sup>th</sup> 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](mailto: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](http://www.cityofpacifica.org)); at the website, scroll down to find the Link.*

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

### **HOW TO REACH YOUR LEGISLATORS**

- Governor Arnold Schwarzenegger, State Capitol Building, Sacramento CA 95814 (916) 445-2841
- State Senator Leland Yee, 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 750 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  
MAY 10, 2010**

Agenda Item No. 3

**SUBJECT:**

Approval of Contract Change Order in the amount of \$60,000 for the San Francisco RV Park Trail Project. No additional budget authority is required. [Enough money was previously budgeted in the Capital Improvement Fund 22, account number 22.900000.52800.0054.00]

**ORIGINATED BY:**

Engineering Division  
Public Works Department

**BACKGROUND/DISCUSSION:**

On March 28, 2005, Council approved Resolution No. 9-2005 authorizing the execution of the agreement between the California Coastal Conservancy and the City of Pacifica for the repair of the horizontal trail and vertical beach access point at the San Francisco Recreational Vehicle Park (formerly called Pacifica Recreational Vehicle Park). This agreement will provide grants funds in the sum of \$350,000 from the California Coastal Conservancy to the City of Pacifica for the design and reconstruction of a vertical beach accessway and a lateral bluff accessway on the private property owned by the San Francisco RV Park. However, the Engineer's Estimate indicated that the funding from the California Coastal Conservancy grant was insufficient to provide for the design and construction of both the horizontal trail and vertical accessway. Therefore, staff proceeded with the design of the horizontal trail portion of the San Francisco RV Park Trail Project.

The project plans and specifications for the horizontal trail were prepared by in-house staff. The project consists of constructing approximately 1,060 feet of multi-purpose decomposed granite trail and fencing along the oceanfront bluff of the SF RV Park property. This trail will connect the existing Esplanade multi-purpose trail to the north and the future vertical beach access to the south.

On November 23, 2009, Council authorized the award of contract to Dryco Construction, Inc. for the San Francisco RV Park Trail Project in the amount of \$194,647.20. Construction commenced on January 4, 2010. However, on January 17, 2010 a small section of the bluff fell to the beach prior to the installation of the trail at this section. This section of trail was re-designed and the trail was relocated to allow for the 8 foot clearance from the fence to the edge of bluff called for by the Geotechnical Engineer. With the majority of the trail work complete, but prior to project completion, another section of the bluff fell to the beach requiring re-design/relocation of the trail that has already been built. This additional redesign/relocation necessitates the change order and additional funding to complete the trail. There is enough money previously budgeted in account number 22.900000.52800.0054.00 to cover for this change order. Therefore, no additional budget authority is required.

**Authorize Project Funding Increase for the San Francisco RV Park Trail Project.**

May 10, 2010

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**FISCAL IMPACT:**

The original project budget was as follows:

**Project Costs**

Construction Contract	\$162,206.00
Contingencies (20%)	<u>\$ 32,441.20</u>
Previous Total Construction Cost	<b>\$194,647.20</b>
Additional Change Order Cost	<u>\$ 60,000.00</u>
New Total Project Cost	<b>\$254,647.20</b>

**Project Funding**

California Coastal Conservancy Reimbursement	<u>\$254,647.20</u>
Total Funding	<b>\$254,647.20</b>

Total project costs to be reimbursed by California Coastal Conservancy.

No budget authority is required as money was previously budgeted in the amount of \$313,165.00 in the Capital Improvement Fund 22, account number 22.900000.52800.0054.00, 100% of which will be reimbursed by the California Coastal Conservancy including administrative cost.

**DOCUMENTS ATTACHED:**

None

**COUNCIL ACTION REQUESTED:**

Approve funding increase for the San Francisco RV Park Trail Project in the amount of \$60,000 for a total project funding of \$254,647.20.

**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
May 10, 2010**

AGENDA ITEM NO. 4

**SUBJECT:**

400 Block of Esplanade Temporary Access and Use Agreement 60 day Extension

**ORIGINATED BY:**

Engineering Division  
Public Works Department

**BACKGROUND / DISCUSSION:**

Last January 6, 2010 the City entered into a Temporary Access and Use Agreement with the owners of apartment buildings at 360-380 Esplanade (AIMCO). This Temporary Access and Use Agreement is for the use of the City's property at the 400 Block of Esplanade as access point to the beach. The agreement expired March 9 of this year.

As construction for the bluff stabilization work is not yet complete, it is now necessary to renew the agreement. According to AIMCO, construction will be completed by July 12, 2010 and therefore is requesting for an extension up to said date. Staff recommends approval of the extension.

**FISCAL IMPACT:**

None, There is no fiscal impact associated with the granting of the extension to the current Temporary Access and Use Agreement up to July 12, 2010

**DOCUMENTS ATTACHED:**

None

**COUNCIL ACTION REQUESTED:**

Approve the extension for the Temporary Access and Use Agreement between the City of Pacifica and owners of apartment building 360-380 Esplanade; authorize the City Manager to execute the extension.

**EXTENSION OF AND AMENDMENT TO TEMPORARY ACCESS AND USE  
AGREEMENT**

**(Manor Drive and Esplanade: APN 009-131-030)**

This Extension of Temporary Access and Use Agreement (“Extension”) is made this 10<sup>th</sup> day of May, 2010, by and between AIMCO Esplanade Avenue Apartments, LLC (“Applicant”) and the City of Pacifica (“City”).

**RECITALS**

A. On or about January, 2010, Applicant and City entered into a Temporary Access and Use Agreement for use of property owned by the City (the “Original Agreement”).

B. The work contemplated under the Original Agreement has not yet been completed. Applicants and City have agreed to extend for a short period of time the term of the Original Agreement in order to enable the parties to consider renewal of the Original Agreement. The work has been extended to include property owned by Applicant at 380 Esplanade Avenue.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City, and Applicant agree as follows:

**AGREEMENT**

1. Extension of Time for Temporary Access. The term for Applicant’s use of the City’s property under paragraph 3 of the Original Agreement shall be extended to July 12, 2010. The terms and conditions of the Original Agreement apply to Applicant’s property at 380 Esplanade.
2. Original Agreement. Except as specifically set forth herein, all provisions of the Original Agreement remain in full force and effect, and all references to “Agreement” in the Original Agreement apply also to this Extension. The person or persons signing on behalf of Applicant warrant that he/she/they are authorized to sign and bind the Applicant.

IN WITNESS WHEREOF, Applicants and City have executed this Extension effective as of the date first above written.

APPLICANT:

By: \_\_\_\_\_

AIMCO Esplanade Avenue Apartments, LLC

CITY:

By: \_\_\_\_\_

Stephen A. Rhodes, City Manager

The City of Pacifica

Approved as to form:

\_\_\_\_\_

Cecilia Quick, City Attorney

ATTESTED:

\_\_\_\_\_

City Clerk



**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
May 10, 2010**

Agenda Item No. 5

**SUBJECT:**

FEMA Assistance to Firefighters Grant Funding for Required Communications Narrow Banding to Upgrade Mobile Radios and Fire Station Alerting Systems within North County Fire Authority

**ORIGINATED BY:**

Fire Department

**BACKGROUND/DISCUSSION:**

North County Fire Authority must upgrade the mobile radio and fire stations alerting communications systems for all North County Fire Authority in order to meet federal mandate of narrow banding. The Assistance to Firefighters Grant Funding Program will allow NCFA to complete this at very low cost to each city.

North County Fire Authority utilizing the City of Daly City applied for grant funding approximately year ago to upgrade mobile radio and fire station alerting communications systems for all the of North County Fire Authority (Brisbane, Daly City, and Pacifica). Through the FEMA Assistance to Firefighters Grant Funding Program Daly City was awarded a regional grant, which will cover 80% or \$312,576 of the total communications upgrade costs. The Grant provides for the purchase, installation and programming of mobile voice radios meeting the federal mandates, along with mobile status terminal (MST) radios and fire station alerting systems. The grant is for \$390,717.50 with the total local match being \$78,141.50. This match portion of the Grant will be split proportionately with the local shares being Brisbane \$7,326.00, Daly City \$48,840.00 and Pacifica \$21,978.00. Daly City will be the lead agency on this grant

**FISCAL IMPACT:**

City of Pacifica will contribute \$21,977 in matching funds and will receive \$86,395 to cover the total funds needed of \$108,372.

**DOCUMENTS ATTACHED:**

None.

**COUNCIL ACTION REQUESTED:**

Accept the Pacifica Share of \$108,372.50 from the Regional Grant of \$390,717.50 for Communications Narrow Banding Upgrade for Mobile Radios and Fire Station Alerting Systems.

**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
May 10, 2010**

Agenda Item No. 6

**SUBJECT:**

Authorize Staff to Advertise for Sealed Bids the Sanitary Sewer Mainline Replacement At Lewis Lane Project

**ORIGINATED BY:**

Wastewater Division

**DISCUSSION:**

The Sanitary Sewer Mainline Replacement at Lewis Lane Project (Project) consists of repairing about 1400 linear feet of the 6-inch sanitary sewer mainline that serves the residence of the northern side of Lewis Lane Avenue and some residence of Hibbert Court and Manor Drive by Pipe Bursting. This sewer mainline has been one of the heavily maintained sewer lines in the City. The collection system crew almost always remove blockage because of root intrusion every 3 months. Upkeeping this mainline has been costly and also very difficult because of its remote location, making this stretch of the mainline one of the top priorities for repairs.

The Project will be funded under Sewer Facility Construction Fund 34 and has been approved by Council in the Fiscal 2009-2010 Budget under Account No. 34.900000.52800.0098.000, Contractual Services – Collection System.

The plans and specifications are being prepared by the Wastewater Division and staff requests authorization to advertise for sealed bids the Sanitary Sewer Mainline Replacement At Lewis Lane Project .

**FISCAL IMPACT:**

Cost to advertise will be around \$600.

**DOCUMENTS ATTACHED:**

None.

**COUNCIL ACTION REQUESTED:**

Authorize Staff to advertise for sealed bids the Sanitary Sewer Mainline Replacement At Lewis Lane Project.

CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
May 10, 2010

Agenda Item No. 7

**SUBJECT:**

Waiver of Building Permit Fees for Pacifica Historical Society

**ORIGINATED BY:**

Planning and Economic Development Department

**DISCUSSION:**

On October 27, 2008, the City Council voted to waive planning application fees totaling \$2,750.00 to allow the Pacifica Historical Society (PHS) to reuse the Little Brown Church Building (LBCB) as a museum and meeting center. PHS has now submitted a request that the City waive building permit fees associated with the restoration and remodeling work necessary to make the building usable (attached). Administrative Policy 2, section 1, states that "it shall be the policy of the City to establish fees and charges for City services which fully reimburse the City for the associated services, unless specified otherwise by the City Council." Therefore, it is within the discretion of the City Council to grant or deny such waiver requests.

The Council may waive up to 2% of the value of the project. According to PHS, the total estimated project cost is \$546,650.00. 2% of that total comes to \$10,933.00. Building permit fees are estimated to be \$8,903.00, and added to the \$2,750.00 previously waived, total fees equal \$11,653.00. Therefore, the Council could waive all but \$720.00 of the total estimated fees.

As with the previously waived planning application fees, a number of circumstances make this particular situation unique, such that the Council would not be setting a precedent for possible future fee waiver requests. PHS is a long standing philanthropic organization that has a lease agreement with the City to occupy and use City property (the Little Brown Church Building). The building permits will allow PHS to restore the LBCB, thereby preserving one the City's most important historic structures, and to reopen it as a museum and meeting center which will benefit the entire community.

**FISCAL IMPACT:**

Granting the fee waiver request will mean the City will waive building permit fees in the amount of \$8,183.00 (\$8,903.00 minus \$720.00) for restoration and remodeling work on the Little Brown Church Building.

**ATTACHMENTS:**

1. Communication from Kathleen Manning

**COUNCIL ACTION REQUESTED:**

Move that the City Council grant the fee waiver request in the amount of \$8,183.00

**From:** manningsbk@aol.com [mailto:manningsbk@aol.com]  
**Sent:** Tuesday, May 04, 2010 7:00 PM  
**To:** Rhodes, Stephen  
**Subject:** Fee Waiver

Mr. Steven A. Rhodes  
City Manager, City of Pacifica

The Pacifica Historical Society and the Little Brown Church Community Museum committee respectfully request the Pacifica City Council to waive all permit fees in conjunction with our restoration of the City owned Little Brown Church building.

We estimate \$546,650.00 will be required to complete the total project over the next few years. News received from the City, in October 2008, stated that to waive the permit fees it was concluded that so long as the cumulative total of all the fees is less than 2% (\$10,933.00) of the total project cost the City could consider providing the subsidy.

We would be most appreciative of your consideration in granting the Pacifica Historical Society this exemption.

Sincerely,

Kathleen Manning  
President, Pacifica Historical Society

CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT

May 10, 2010

Agenda Item No. 8

**SUBJECT:**

Public Hearing on Proposed Ordinance Amending Section 6-6.404 and Section 6-6.406 of the Pacifica Municipal Code (Sewer Rates)

**ORIGINATED BY:**

Wastewater and Administrative Services

**DISCUSSION:**

In preparation for tonight's hearing, on March 26, 2010, the City mailed notices to the owner of each of the 12,701 parcels subject to charges. Pursuant to Proposition 218 (Article XIID of the California Constitution), which was approved by the voters in 1996 and likely made applicable to the City's sewer charges by a recent decision by the California Supreme Court, the City Council may not impose or revise charges if it received written protests from the owners of a majority of the parcels subject to the charges.

As of May 5, 2010 (5 pm), the City has received 23 protest letters and 0 emails purporting to be protests, informal petitions purporting to be protests, and other signed writings indicating opposition to the proposed rate increase. All of these documents are included in the written record of this proceeding and are available to members of the City Council. In total, these documents are signed by 23 people. A majority protest against the fee would exist if the City received written protests from greater than 50% of the record owners of parcels subject to the proposed increase (50% + 1). As there are 12,701 parcels subject to the proposed fee, a successful majority protest would require the receipt of protests from the owners of 6,352 parcels. If every signature received on the purported protest documents represents a valid protest, the documents received would only represent 23 protests or .18 %. Consequently, unless the City Council receives several thousand additional protests before the close of the public hearing on the charges, there is no majority protest against the proposed fee and the City Council may act to impose the fee if it so desires.

**DISCUSSION:**

**Rate:**

The minimum sewer rate is proposed to increase by 5.3958% from \$ 468.28 per year to \$493.54. The new minimum rate represents an increase of \$2.11 per month. The revenue derived from the sewer rate, as collected on the property tax bill, provides sewer service to each property in the City. The City of Pacifica provides two major sewer service components:

- 1) The collection system which is comprised of the sewer mains, collector mains, and trunk lines, the City's portion of the "lateral" lines (the pipeline from the home or building's cleanout to main sewer line), and the pump stations that carry the wastewater to the sewage treatment plant; and
- 2) The sewage treatment plant that was designed in 1991 and became operational in 2000. The City treats 3,920,000 gallons of wastewater per day at the tertiary level. The "state of the art" plant continues to provide Pacifica with discharge standards that meet the most stringent nitrogen and phosphorous, metal, pharmaceuticals and organic compound requirements.

### **Why the sewer rate is increasing?**

The proposed increase for the Tax Year 2010/2011 for sewer services is derived from the budgeted expenditures for the operation, maintenance, repair and management of the entire system. Staff has developed budgets for both the Waste Water Treatment Plant and Collection system that address necessary repairs and maintenance as well as on-going operational expenses. Staff is also including a portion of an anticipated monetary penalty stemming from the Administrative Civil Liability Complaint (ACL) filed with the California Regional Water Quality Control Board for alleged violations during the period February 2006 through September 2008.

The finance staff has incorporated the costs associated with the payments on the \$52 million in debt (\$46 million for the 1995 State Revolving Loan and \$6 million for the 2001 B (the 1996 Sewer Revenue Bond). The City Council has approved cost allocations for internal service support and proposed capital improvements. Also incorporated in the revenue requirement is the third year of extended payments on the State Revolving Loan. The State Revolving Loan began paying on the principal as well as the interest in 2008/2009, increasing the debt payment from \$1.4 million in 2007/08 to \$3.5 million in 2008/09 with a corresponding increase in the sewer rate.

### **Why are the budget for sewer collection and the treatment plant increasing?**

The final sewer budget represents the total revenue collected through sewer rates of \$11,600,000 and represents a 2.6549% increase (revenue requirement) from the prior year (\$11,300,000). The City continues to experience cost savings from the completion of the Digester Modification Project. The fully functional system reduces sludge and chemical use. Instead of three to four truckloads of sludge removal per week, there are only two truckloads per week with the new digester modification. Additionally, chemical usage has decreased for the de-watering process and odor control systems. The modifications also allow for computerized control of the digester system, as opposed to manual operation, and are projected to reduce energy use and realize additional cost savings over the coming year. Despite these cost savings, the operation must continue to complete repairs and maintenance on the system.

### **How does water usage impact the sewer rate?**

The sewer rate is calculated by a formula. The City uses data from North Coast County Water District on water use for a 12 month cycle and during the two consecutive wet months of the year. The months used were January 2010/February 2010. The wet month data reflects water use that enters the sewer system as opposed to landscaping water use in the dry months. The formula calculates residential sewer charges based on one of two methods. The January/February water billing multiplied by 6 months or actual water consumption for the year which ever is lower.

It should be noted that as in previous years the data provided by the water district shows a decrease in water usage that is probably attributed to an increased effort to conserve water.

FY 2008-09 Flow (Mar thru Feb)  
1,156,302 cubic feet (CCF)

FY 2009-10 Flow (Mar thru Feb)  
1,125,671 cubic feet (CCF)

Although the expenditures for the operation of the sewer collection system and treatment plant increased 2.655%, there were less units of water used in the formula and the proposed sewer rate will increase 5.3958%.

The increase in the sewer rate takes the minimum sewer service charge from \$468.28 to \$493.54 or an increase of 5.3958%. The increase provides the necessary revenue to provide sewer services, perform the necessary repairs and maintenance to system and plant, and make the payments on the debt service and penalties.

With the implementation of the proposed rate, the revenue generated will provide the necessary revenue for operations, maintenance and penalties. The Sewer Fund will utilize an additional \$1.8 million loan from the plant replacement reserve line that minimizes the rate increase. Upon completion of the Sewer Master Plan in 2011, rates will be evaluated based on the capital improvements to the collection system identified in the Plan. Other than a reserve for depreciated

assets, there is no operating reserve in the proposed rate. At some point, the plant and collections system should establish a reserve of at least 10% to continue to address long-term improvements and the aging infrastructure of a system exposed to a coastal environment as proposed in the City's five-year financial plan.

**Rate comparison:**

The new minimum annual rate of \$493.54 is still within the mid-range of sewer rates in San Mateo County. It should be noted that known increases in other cities for the coming year range from 3% to 15% and at least two cities have two or three years of 9% or more increases to fund capital improvements to a plant or collection system, not unlike the City of Pacifica's capital investment of a new plant eight years ago.

**Rate setting process:**

The rate setting process follows the Proposition 218 noticing requirements. All property owners received a notice in the mail 45 days prior to the sewer fee public hearing (Monday, May 10, 2010). Notice information and the staff report on sewer rates was posted on the City's website. A majority protest vote of 50% plus 1 of total property owners would be necessary to repeal the proposed increase.

**FISCAL IMPACT:**

Revenue generation of \$11,600,000 or a 2.6549% increase from the prior year for Sewer Funds 34 and 18 with a resulting sewer rate increase of 5.3958% (the increase in rate is due to a continued decrease in water usage that is used in the formula for rate calculation and the payment of the first of several fines).

**ATTACHMENTS:**

Ordinances  
Sewer Service Charge Rate Sheet for 2010-2011  
Property Owner Protest Tally Sheet

**COUNCIL ACTION REQUESTED:**

- 1) Move that the Ordinance entitled "Ordinance of the City Council of the City of Pacifica Amending Sections 6-6.404 and 6-6.406 of Chapter 6, Title 6, (Sewer Charges) of the Pacifica Municipal Code to Revise and Increase the City's Sewer Charges" be read by title only and that further reading be waived; and 2) move introduction of the ordinance.

**Sewer Service Charges  
Notice of Increase Protests / Returns  
for Fiscal Year 2010-11**

Week Beginning	Protests			Protests Via Petition	Verbal at Meeting	Protests Total	Returns That			Notes
	Via Postal Mail	Protests Via Email	Protests Via				Returns That Can Be Forwarded	Returns That Cannot Be Forwarded	Other *	
29-Mar-10	4					4	26	60		12,701 notices mailed 03/27/10 by Accurate Mailings, Inc.
5-Apr-10	2				2	1	25			
12-Apr-10	2				2	2	25			
19-Apr-10	4				4		13			
26-Apr-10	8				8		1			
3-May-10	3				3					
<b>Totals:</b>	<u>23</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>23</u>	<u>29</u>	<u>124</u>	<u>-</u>		
<b>Total Legitimate Protests:</b>							<b>(Not including e-mails)</b>			

Percentage Protesting Against The Total Mailed Out: **0.18%**

Majority of Owners of Parcels Subject to the Charges: **6352** (12,701 notices divided by 2, plus 1)

Number of Protests Received by End of Public Hearing (est. 9:30 p.m.) May 10, 2010: **23**



# PROPOSED SEWER SERVICE CHARGES 2010-2011

## SEWER SERVICE CHARGE RATE:

**Proposed FY 2010-11 \$10.28208/100 cubic feet of water consumption (Increase of 5.3958%)**

### **Sewer Charge:**

FY 2009-10	\$9.75568/100 cubic feet of water consumption (Increase of 2.5335%)
FY 2008-09	\$9.51463/100 cubic feet of water consumption. (Increase of 18.7761%)
FY 2007-08	\$8.01056/100 cubic feet of water consumption. (Increase of 9.2119%)
FY 2006-07	\$7.33488/100 cubic feet of water consumption. (Increase of 5.6773%)
FY 2005-06	\$6.94083/100 cubic feet of water consumption. (Increase of 7.1344%)
FY 2004-05	\$6.47862/100 cubic feet of water consumption. (Increase of 20.2821%)
FY 2003-04	\$5.38619/100 cubic feet of water consumption. (Increase of 14.6598%)
FY 2002-03	\$4.69754/100 cubic feet of water consumption. (Increase of .50%)

CFOWC = Cubic Feet of Water Consumption

FY 2001-02 \$4.67424/100 CFOWC.	FY 1997-98 \$3.89008/100 CFOWC.	FY 1993-94 \$2.87/100 CFOWC.
FY 2000-01 \$4.27433/100 CFOWC.	FY 1996-97 \$3.52/100 CFOWC.	FY 1992-93 \$2.70/100 CFOWC.
FY 1999-00 \$4.37985/100 CFOWC.	FY 1995-96 \$3.38/100 CFOWC.	FY 1991-92 \$2.45/100 CFOWC.
FY 1998-99 \$3.96437/100 CFOWC.	FY 1994-95 \$3.07/100 CFOWC.	FY 1990-91 \$2.28/100 CFOWC.

### TWO CONSECUTIVE HEAVIEST RAINFALL MONTHS DURING THE CALCULATION YEAR:

**January 2010 and February 2010**

### MEASUREMENT PERIOD USED FOR RESIDENTIAL CUSTOMERS:

Water billings from **January 2010 and February 2010.**

### RESIDENTIAL CALCULATION:

January and February water billings x 6 x \$10.28208 = Sewer Service Charge  
**-or-** Actual Annual Water Consump. x \$10.28208 = Sewer Service Charge,  
**whichever is lower.**

### MINIMUM RESIDENTIAL SEWER SERVICE CHARGE:

8 x 6 = 48 x \$10.28208 = \$493.54  
 Prior year minimum charge = \$468.28

### MEASUREMENT PERIOD FOR COMMERCIAL CUSTOMERS:

Actual Annual Water Consumption.

### COMMERCIAL CALCULATION:

Actual Annual Water Consump. x \$10.28208 x strength factor = Sewer Service Charge.

### COMMERCIAL STRENGTH FACTORS:

Car Washes	0.90
Cleaners	1.20
Laundromats	0.75
Restaurants with functioning grease traps	1.20
Restaurants without functioning grease traps	1.80
Gymnasiums	0.90
Any other commercial use	1.00

Section 6-6.401 through 6-6.407 of the Pacifica Municipal Code addresses the assessment of Sewer Service Charges including the rate and the measurement periods for both residential and commercial customers.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA  
AMENDING SECTIONS 6-6.404 AND 6-6.406 OF CHAPTER 6, TITLE 6,  
(SEWER CHARGES) OF THE PACIFICA MUNICIPAL CODE TO REVISE  
AND INCREASE THE CITY'S SEWER CHARGES

WHEREAS, Section 6.6.1001 of the Pacifica Municipal Code and Section 5471 of the California Health & Safety Code permit the City Council of the City of Pacifica to set, by Ordinance, the City's sewer charges; and

WHEREAS, on May 10, 2010, the City Council held a full and fair public hearing, properly noticed as required by law, at which all persons interested, were given an opportunity to provide oral and written testimony with respect to a proposed revision and increase of the City's sewer charges; and

WHEREAS, the City Council desires to revise and increase the City's sewer charges.

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

SECTION 1. Section 6-6.404 of Article 4, Chapter 6, of the Pacifica Municipal Code is hereby amended to read as follows:

Section 6-6.404. Schedule:

Annual sewer charges shall be based upon water consumption that is in conformity with the rate measurement formulas set forth in this article and shall be charged at Ten Dollars and point 28208 cents (\$10.28208) per 100 cubic feet of water consumption, effective July 1, 2010.

SECTION 2. Section 6-6.406 of Article 4, Chapter 6, Title 6, of the Pacifica Municipal Code is hereby amended to read as follows:

Section 6-6.406. Minimum Rate:

Regardless of use, the minimum rate for any user shall be Four Hundred Ninety-Three dollars and fifty-four cents (\$493.54) per year. The Four Hundred and Ninety-Three and 54/100 Dollars minimum rate shall also be the sewer charge applied to new sewer connection permits obtained after July 1 for that particular fiscal year ending June 30.

SECTION 3. The City Council hereby finds and determines that:

The City has complied with each of the requirements of Section 6 of Article XIID of the California Constitution with respect to the actions taken by this Ordinance.

The rates established by this Ordinance do not exceed the amounts permissible under Article XIID for a fee for sewer service, and the sewer service charge is not a tax.

A majority protest, as defined by Section 6(b) of Article XIID of the California Constitution does not exist with respect to the reestablishment and increase of the sewer service charge.

SECTION 4. The City Council hereby declares that it would have passed this Ordinance word by word, sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and, if for any reason any word, sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 5. This Ordinance shall be published once in the PACIFICA TRIBUNE, a newspaper of general circulation within the City of Pacifica, within fifteen (15) days of its adoption and shall be effective thirty (30) days following the date of its adoption.

\* \* \* \* \*

Introduced at a meeting of the City Council of the City of Pacifica held on the 10th day of May, 2010, and;

AYES, Council Members:

NOES, Council Members:

ABSENT, Council Members:

ABSTAIN, Council Members:

\_\_\_\_\_  
Sue Digre, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Cecilia M. Quick, City Attorney

ATTEST:

\_\_\_\_\_  
Kathy O'Connell, City Clerk

**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
May 10, 2010**

AGENDA ITEM NO. 9

**SUBJECT:**

Introduction of an Ordinance Requiring Planning Commission Review of Single-Family Residences over a Certain Size

**ORIGINATED BY:**

Planning and Economic Development Department

**DISCUSSION:**

On March 22, 2010, the City Council voted 3-1 to bring back for adoption an ordinance that would require Planning Commission review of new single-family residences over a certain size or additions to existing single-family residences that cause them to exceed a certain size (also known as the "mega home" ordinance). The proposed ordinance is explained in detail in the attached Council agenda summary report of March 23, 2009. Also attached is all relevant background material, including the Council agenda summary from March 22, 2010, the minutes from that meeting, and all previous reports and minutes from City Council and Planning Commission meetings where the proposed ordinance was under consideration. The City Council previously adopted a resolution adopting the Negative Declaration for the proposed ordinance, satisfying the requirements of the California Environmental Quality Act (CEQA).

In its discussion on March 22, 2010, the Council suggested that the proposed ordinance be brought back to the Council for review six months after its adoption. Staff believes that six months is too short a time frame to adequately evaluate the ordinance, and suggests that the Council increase the review time to one year. It should be noted that the Council has the ability to call the ordinance up for review at any time should it feel it necessary.

**FISCAL IMPACTS:**

Potential fiscal impacts are unknown. If permits for larger homes or large home additions were denied, or if home owners were discouraged from pursuing remodels due to the new regulation, there could be a negative fiscal impact to the City due to stagnate property values. Such an impact is speculative and difficult to quantify.

**ATTACHMENTS:**

- a. Proposed Ordinance
- b. City Council Agenda Summary Report of March 22, 2010
- c. City Council Minutes of March 22, 2010
- d. City Council Agenda Summary Report of March 23, 2009
- e. City Council minutes of March 23, 2009
- f. Council Resolution No. 27-2009 adopting the Negative Declaration w/ attached Negative Declaration/Initial Study
- g. Planning Commission Resolution No. 848
- h. Planning Commission Minutes of November 17, 2008
- i. City Council Agenda Summary Report of January 12, 2009
- j. City Council Minutes of January 12, 2009
- k. Planning Commission agenda memo of February 17, 2009

**City Council Agenda Summary Report**  
**Adoption of Ordinance Requiring Review of Single-Family Dwellings over a Certain Size**  
**May 10, 2010**  
**Page 2**

- I. Planning Commission minutes of February 17, 2009

**COUNCIL ACTION REQUESTED:**

1. Move that the attached ordinance entitled, "An Ordinance of the City Council of the City of Pacifica Amending Chapter 4 of Title 9 of the Pacifica Municipal Code to Require a Site Development Permit for Single-Family Dwellings over a Certain Size", be read by title only and that further reading be waived.
2. Move introduction of the ordinance.
3. Move that the ordinance be agendized for City Council review within \_\_\_\_\_ of its adoption.

CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
March 23, 2009

AGENDA ITEM NO. \_\_\_\_\_

**SUBJECT:**

Introduction of an Ordinance Requiring Planning Commission Review of Single-Family Residences over a Certain Size

**ORIGINATED BY:**

Planning and Economic Development Department



**DISCUSSION:**

On November 17, 2008, the Planning Commission adopted a resolution recommending that the City Council adopt an ordinance that would require Planning Commission review of new single-family residences over a certain size or additions to existing single-family residences that cause them to exceed a certain size. The subject resolution and minutes from the November 17, 2008 Planning Commission meeting are attached.

On January 12, 2009, the City Council considered the proposed ordinance and, after taking public testimony, the Council suggested two changes to the draft ordinance and remanded it to the Planning Commission for review of the proposed changes and issuance of a report. First, the Council requested that the floor area threshold for triggering Commission review be reduced to 2,750 square feet. Second, the Council requested that the maximum garage size to be allowed before counting toward the total floor area be reduced to 650 square feet. The Council did not agree to remove the story pole requirement as recommended by the Planning Commission. The minutes and agenda summary report from the January 12, 2009 Council meeting are attached.

On February 17, 2009, the Planning Commission considered the changes proposed by the City Council. The Commission considered the proposed changes, and, after taking public testimony, adopted the following motion:

*"Move that the Planning Commission report to the City Council that it has considered the Council's suggested changes to the proposed Ordinance requiring Planning Commission review of single-family dwellings over a certain size and that it partially concurs with the suggested changes and continues to recommend that the proposed ordinance contain a threshold for Planning Commission review of 3,000 square feet of floor area, but supports reducing the allowable area for the garage before counting toward floor area to 650 square feet and the Planning Commission recommends that the City Council remove the story pole requirement from the ordinance."*

The motion was later amended to include a recommendation that the mailing of notification of a public hearing for the required Site Development Permit include a rendition showing an elevation of a project in relationship to the surrounding neighborhood. The motion passed by the following vote:

*"Ayes: Commissioners Leon, Langille, Clifford, Campbell, Gordon, and Chair Nathanson  
Noes: Commissioner Cicerone"*

The purpose of the amendment to the motion was to help ensure that the public is better informed of the nature and scope of the project. The Commission felt this was a preferred alternative to the erection of story poles, which the Commission believes can create a false impression of a project's true appearance and potential impact.

As the Planning Commission minutes indicate, the Commission continues to support the 3,000 s.f.

threshold because it believes that the purpose of the ordinance is to require review of homes that are bigger than average (staff has confirmed that the average size of new homes or home additions approved or constructed in Pacifica over the two year period from January 2007 to January 2009 is consistent with the research by the Planning Commission subcommittee, at 2,550 s.f.). The Commission agreed to reduce the allowable garage size because 650 s.f. still allows for a three car but is considerably larger than the average size garage (471 s.f.) over the two year period indicated above.

Given the recommendations of the Planning Commission, the attached proposed ordinance retains the 3,000 s.f. floor area threshold, but reduces the garage area to 650 s.f. Staff has provided the Council with alternative motions – one to adopt the ordinance as recommended by the Commission, and one to alter the ordinance to lower the floor area threshold to 2,750 s.f. Although the Council is free to change the threshold as it sees fit, a large deviation from the numbers analyzed in the environmental document may require further review. The Council should also indicate if the story pole requirement should be retained.

A Draft Negative Declaration has been prepared stating that the proposed ordinance will not have a significant effect on the environment. A copy of the Negative Declaration along with the Initial Study is attached. The Negative Declaration/Initial Study was circulated for public review beginning June 18, 2008. The comment period ended on July 18, 2008. No comments were received.

**FISCAL IMPACTS:**

Potential fiscal impacts are unknown. If permits for larger homes or large home additions were denied, or if home owners were discouraged from pursuing remodels due to the new regulation, there could be a negative fiscal impact to the City due to stagnate property values. Such an impact is speculative and difficult to quantify.

**ATTACHMENTS:**

- a. Proposed Ordinance
- b. Council Resolution adopting Negative Declaration w/ attached Negative Declaration/Initial Study
- c. Planning Commission Resolution No. 848
- d. Planning Commission Minutes of November 17, 2008
- e. City Council Agenda Summary Report of January 12, 2009
- f. City Council Minutes of January 12, 2009
- g. Planning Commission agenda memo of February 17, 2009
- h. Planning Commission minutes of February 17, 2009

**COUNCIL ACTION REQUESTED:**

**Motion to Adopt Ordinance as Recommended by Planning Commission**

1. Move that the City Council ADOPT the attached resolution entitled, "A Resolution of the City Council of the City of Pacifica Adopting the Negative Declaration for the Proposed Ordinance Requiring a Site Development Permit for Single-Family Dwellings over a Certain Size."

2. Move that the attached ordinance entitled, "An Ordinance of the City Council of the City of Pacifica Amending Chapter 4 of Title 9 of the Pacifica Municipal Code to Require a Site Development Permit for Single-Family Dwellings over a Certain Size", be read by title only and that further reading be waived.
3. Move introduction of the ordinance.

-OR-

**Motion to Adopt Ordinance with Modification**

1. Move that the City Council ADOPT the attached resolution entitled, "A Resolution of the City Council of the City of Pacifica Adopting the Negative Declaration for the Proposed Ordinance Requiring a Site Development Permit for Single-Family Dwellings over a Certain Size."
2. Move that the attached ordinance entitled, "An Ordinance of the City Council of the City of Pacifica Amending Chapter 4 of Title 9 of the Pacifica Municipal Code to Require a Site Development Permit for Single-Family Dwellings over a Certain Size", with the factor "T" changed to 2,750 square feet, be read by title only and that further reading be waived.
3. Move introduction of the ordinance.