

MINUTES

City Council Regular Meeting
2212 Beach Boulevard
Pacifica, CA 94044

April 26, 2010

Mayor Digre called the meeting to order at 4:00 p.m., stating that all councilmembers were present. City Attorney Quick announced the business to be discussed:

1. PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): Conference with legal counsel: existing litigation. Lennon v. City of Pacifica, San Mateo County Superior Court Case No. CIV 476795.
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. Negotiating parties: City of Pacifica and 330 Esplanade, LLC and Aimco Esplanade Avenue Apartments, LLC Property: APN 009-131-030.
3. PURSUANT TO GOVERNMENT CODE SECTION 54957.6: Conference with Labor Negotiator. Agency Negotiator: Ann Ritzma. Employee organization: Teamsters Local 856; Wastewater Treatment Plant Employees; Pacifica Police Officers Association; Pacifica Police Supervisors Association; Police Management Teamsters Local 350; Teamsters Local 350 Management; Confidential Employees; Fire Fighters Local 2400; Teamsters Local 856 Battalion Chiefs; Department Directors.

Mayor Digre convened to Closed Session.

Mayor Digre reconvened the meeting at 7:00 p.m.

CLOSED SESSION:

City Attorney Quick stated that there were no reportable actions taken in Closed Session.

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

Staff Present: Steve Rhodes, City Manager; Cecilia Quick, City Attorney; Ann Ritzma, Administrative Services Director; Michael Crabtree, Planning Director; Jim Tasa, Police Captain; Richard Johnson, Deputy Fire Chief; Jim Lange, Senior Services Supervisors; Kathy O'Connell, City Clerk.

Councilmember Vreeland led the Salute to the Flag.

Commission Liaison: Planning Commissioners Evans and Clifford.
Chamber Liaison: None.

CONSENT CALENDAR:

Councilmember DeJarnatt moved approval of the Consent Calendar, as amended, as follows:
Approval of disbursements dated 03/23/10 to 04/09/10 in the amount of \$578,242.25, regular and

quick checks numbered 81881 to 81884 and 8468 to 8658, as set forth in Item #1; Approval of Minutes of regular City Council meeting of April 12, 2010, as set forth in Item #2; Authorization of Award of Contract to Darcy & Harty Construction, Inc., for Sanitary Sewer Maintenance Replacement Between Talbot Avenue and Moana Way Project, as set forth in Item #3; Adoption of Ordinance Designating the Dollaradio Station, 100 Palmetto Avenue as a Historic Landmark Second Reading, as set forth in Item #4; Approval of Resolution Authorizing Disposal of Certain Obsolete City Documents and Papers, as set forth in Item #5; Authorization for City Manager to Sole Source to Light Stream the Purchase of the Ultra Violet Light Cured Fiberglass Lining Products for the Palmetto Slip-Line Project [\$311,900 from sewer construction fund 34], as set forth in Item #6; seconded by Councilmember Lancelle.

Councilmember DeJarnatt stated that he would abstain from voting on the minutes.

Mayor Digre referred to a statement on page 4, stating “She added that she had not known about it until she had driven through that area of Palmetto.” She thought the statement was attributed to her and stated that it was inaccurate.

Councilmember Lancelle stated that the statement was attributed to her. She was glad the Mayor brought that up because she wanted to clarify that she had known about it but hadn’t visited it until she went with the Historical Society several years ago.

Councilmember Vreeland referred to Item #6 and asked why Item #6 was a sole source selection.

City Attorney Quick stated that no one from Public Works was present, but she explained that they will be going out to bid for the installation, but the slip liner was the only one manufactured in California with the others manufactured in Germany and Virginia with a limited certified contractor and installer and were proprietary. Light Stream was not only manufactured in San Diego but had a number of certified installers which made it more available to municipalities with a price reduction.

Councilmember Vreeland thought it was wonderful, but asked the question because of the large sum involved.

City Attorney Quick added that, with what was happening in Iceland, who knew if we could even get equipment from Germany now.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion carried: 5-0.

SPECIAL PRESENTATION:

Mayor Digre read a proclamation declaring May as Older Americans Month.

Jim Lange, Senior Services Supervisor, briefly mentioned that they were building their programs around the slogan, “aging strong, live long,” by adding health exercise classes and writing classes, etc. He then introduced Janice Haynes, program coordinator.

Janice Haynes, Program Coordinator, thanked everyone for the support of Senior Services in Pacifica. She invited everyone to a spaghetti feed May 1 at the Senior Center. She stated that she

was always ready for feedback and suggestions. She stated that Alice Mullins, VIP senior at the center, would accept the proclamation.

Alice Mullins thanked the City Council for the proclamation, as well as all the help given to them at the Community Center.

Jim Lange also mentioned Florence Mattier, SIA President, who would have been present but was going through another bout of chemo.

Thom Ball, Library Manager, gave a presentation to launch the New San Mateo County E-Branch Library on Monday, April 12. He mentioned some of the various features available. He stated that they can do everything they can do in the library except “walk the shelves.”

Councilmember Lancelle wondered if they have had an opportunity to do a presentation to school principals for the schools to get the word out.

Mr. Ball thought it was a great idea, and they would do that. He mentioned the feature to set up an account with the option to input an individual’s library card number and would now not have to enter that number again.

Mayor pro Tem Nihart suggested that they also make the presentation to the Parent Council, which reaches the students more directly.

Councilmember Vreeland thought it was great. He appreciated it and thought it would make life a lot easier instead of running back and forth to the physical libraries. He also liked the terms he used.

Mayor pro Tem Nihart asked about the You Tube film festival.

Mr. Ball asked if it was on the presentation.

Mayor pro Tem Nihart responded that it was, adding that she didn’t want to put him on the spot.

Mr. Ball stated that he didn’t know what that referred to but would find out.

Mayor Digre also asked about getting the information to the high schoolers.

Mr. Ball stated that they would.

Councilmember Lancelle added that the Mother’s Club was important also.

Mr. Ball stated that they were “on their radar.”

Mayor Digre read a proclamation for Mosquito and Vector Awareness Week.

Mayor Digre then mentioned the various dangers to be aware of, such as stationary ponds.

PUBLIC HEARINGS:

None.

COUNCIL COMMUNICATIONS:

Mayor pro Tem Nihart stated that the Financing City Services task force report was out, and they had started meeting with employees and would follow up by asking the public to get involved. She thanked the Beach Coalition for another Earth Day celebration which was outstanding. She mentioned that Congresswoman Speier was present and very impressed. She thanked everyone who worked on it. She mentioned helping with the community meeting at St. Peter's on crime, where they addressed all the crimes of opportunity. She reported that the Rotary Garden's groundbreaking was Saturday evening. She also mentioned the Dog Days by POOCH and a Taste of Skyline at Skyline College on May 6.

Councilmember Lancelle stated that she attended the bicycle pedestrian advisory committee and they were beginning the process of evaluating projects put forward by various cities for grants. She stated that Pacifica didn't have a project this year, but had benefitted from this grant program previously thanks to our hard working Public Works Department, such as the San Pedro Terrace Trail which was now complete. She thanked everyone who participated in Earth Day. She also attended the groundbreaking for the Rotary Club's Plaza at the Sanchez Art Center. She attended the Police and Fire Departments second annual softball game at IBL, which was a fundraiser for Relay for Life.

Mayor pro Tem Nihart mentioned that the Police won and congratulated them. She stated that the real event was the tutu.

Councilmember Lancelle stated that anyone who hits the ball in the infield has to wear the tutu.

Mayor pro Tem Nihart stated that Captain Bertini looked particularly good in it.

Councilmember Lancelle thought he was "glad" she mentioned it.

Mayor pro Tem Nihart stated that she told him she was going to mention it.

Councilmember Lancelle stated that there was a budget study session on Wednesday at the Council Chamber. She mentioned that the Daly City Health Center, which served both Daly City and Pacifica youth, was having a fundraiser Thursday in San Francisco. She added that the Youth Leadership Institute also had a special event on Friday, and she hoped someone from the community would be attending. If no one was able to attend, she thought the Council should put together a proclamation showing the City's appreciation for their service to the community.

Councilmember Vreeland stated that Earth Day was wonderful. He asked staff if, in the future, they could double-side some of the stuff they get, creating savings in both paper and money. He thanked Samtrans for helping Pacifica get new bus shelters. He stated that he would like to send a letter to Mr. Harvey to thank him.

Mayor Digre thanked everyone who participated in the Beach Coalition. She felt the great thing was the sustainability. She felt it was helping. She mentioned the American Legion veterans and auxiliary had their annual event at the pier honoring veterans, followed by lunch at the Legion Hall. The quilters gave each veteran a handmade quilt. She reminded everyone about the budget meeting on Wednesday. She stated that the Daly City Health Clinic was honoring the Jefferson Union High School superintendent Michael Crilly. She mentioned the job camp on Friday, April 30, at South San Francisco, sponsored by Jerry Hill and Jackie Speier. She stated that she had attended the last one, adding that it was very comprehensive.

ORAL COMMUNICATIONS

Mayor Digre opened Oral Communications.

Anita Rees and Ginny Janes, on the advisory board of the Resource Center. Ms. Janes thanked the Council for the vital support to the Resource Center to enable the dedicated people to do the good work they do in Pacifica.

Ms. Rees added that they would be offering new programs at the Resource Center, such as fresh produce in their pantry, from Pacifica Gardens as well as with Coastside Farmer's Market. She stated that they were working with Second Harvest Food Bank to bring in food boxes through the stimulus funds and everyone eligible needed to sign a paper at the Resource Center and mentioned all the different opportunities for assistance available. She also mentioned an economic securities program available to provide tax assistance as well as other programs. She stated that people can join them on their Facebook page.

Therese Dyer, 1408 Crespi Drive, stated that she had two announcements. She had originally asked Mr. Rhodes for the Chamber for May 11 but now reserved the Sharp Park Library to meet the candidates. She also mentioned that Good Shepherd Church had been vandalized and she asked if something can be done about vandalism. She stated that this puts a great burden on the pastor and asked if the police could patrol the area once in a while.

Bruce Banco, Linda Mar, stated he was currently the president of Pacificans Care. They were having a fundraiser on Saturday at Seaside Spa on Terra Nova Blvd., and he gave background information on their organization, mentioning the various other organizations that they help.

Tom Clifford, 1122 Sheila Lane, reminded the Council about two items sent from the Planning Commission, the mega home ordinance, which they were working on, and changes to the language in the density transfer ordinance. He would like to see the last item returned to Council to be settled instead of waiting for the General Plan.

Chris Porter, Pacifica, congratulated Lynn Adams and the Beach Coalition on their great event Saturday. She then mentioned that the new garbage pickup program would begin on May 3 and, if there was any question, the *Tribune* would show everyone's schedule. She stated that the calls were dying down, but she thought the calls may come again when they put out their cans and they don't get picked up. She stated that the notices for the garbage cans would go out in late summer with a choice of 20, 32, 48 or 64 gallon can. She thought everyone would probably only need a 20-gallon can. She suggested that anyone with questions call the office or go to their website.

Tod Schlesinger, Linda Mar, stated that he was playing a game of Jeopardy and the category was duck and cover, mentioning specifically the history of the new waste water treatment plant, the parking lot at Linda Mar Beach, the old quarry, promise of a possible future Fresh & Easy Market at Pedro Point and support for the biodiesel, stating that the answer was Who is Jim Vreeland.

Rachel Lynn Bell, Pacifica, stated that she was new to Pacifica. She stated that she was previously a director of a mental health center for Monterey County. She appreciated hearing about the Resource Center, and mentioned that she had been aware of the influx of disabled, unemployed and homeless people in Pacifica who had no phones or computers to contact the Resource Center. She asked if there was any way in which centralized information can be readily

available without the need of phones or internet access. She stated that she was asked for the use of her phone by individuals, and she allowed it but asked if the Council could address this issue as a whole for the City.

Sheila Merlo, Pacifica, stated that she was a Vallemar parent and Vice President of the PTO. She presented a banner to the City Council made by the Vallemar students after the work done for the crosswalk at their school.

Mayor Digre closed Oral Communications.

Councilmember Vreeland referred to the information about what can and cannot be said during Oral Communications, specifically asking the City Attorney how that jived with the antics by Tod Schlesinger.

City Attorney Quick explained that he didn't do anything that would have run afoul of this because the comments were addressed to the entire Council even though they referenced an individual.

Councilmember Vreeland understood that he could expect that kind of stuff, and he felt it was sad that Mr. Schlesinger had all these misconceptions and issues to deal with, and wished him great luck in the future.

CONSIDERATION

7. Discussion of Fees for Planning Commission Study Sessions.

Planning Director Crabtree presented the staff report. He stated that Planning Commissioner Evans was also present and may have comments and be able to answer any questions.

Planning Commissioner Evans stated that he found the information from the staff report very valuable and thought it was also good information for the proposed applicant because they get an idea without going through the application process about the directions they need to follow. He stated that he had only seen commercial applicants in study sessions, but he felt they had all gotten very good information. He agreed that it was expensive but, for commercial, there was full reimbursement. He acknowledged that residential projects didn't get reimbursed, but he thought the few who had gone through the study session had probably gotten valuable information. He was ready to answer any questions.

Mayor Digre opened public comments.

Tom Clifford, 1122 Sheila Lane, stated that he wanted to be sure the Council was clear on the process of a study session. He explained that the informal public meetings can be a tremendous money saver for the applicant by giving them input from staff, the Commission and the public early in the process and prevent costly delays and redesigns, with unused money returned or, with commercial, completely refunded at taxpayer expense. He felt it was a fair fee for the services directly benefitting the applicants. He didn't believe the argument that making the services free would bring more business to Pacifica since not all businesses would need a study session, they would get it refunded at the conclusion and, if they couldn't afford the deposit would not likely succeed anyway.

Tod Schlesinger, Linda Mar, stated that he didn't quite understand this, but he assured them that the history and reputation of Pacifica was such that it was basically a four-letter word and tacking on additional fees only sent two signals to potential developers, we're broke and going to squeeze them for more fees and it costs more money to do business here and you get less. He felt the underlying reason for all of this was the same we have had for years, not doing the things we were advised to do by people with more experience, brain and money than we have. He felt expecting people to embrace those fees because we haven't done our jobs was ludicrous. He suggested that they ignore it and table it. He didn't think there were enough projects to get enough money out of the fees to make up for the costs. He also asked what you do when you approve a project and then get an appellant, referring to the project on Palmetto by the Houmans, who was allowed to hold it up for nearly a year. He felt you charge more only when you are doing a good which he felt did not apply to Pacifica. He stated that he would change his tune when Pacifica shows him that they are doing a good job.

Mayor Digre closed public comments.

Councilmember Vreeland stated that Council had suggested that the Planning Director talk with the Planning Commission about this, and he asked if that happened.

Planning Director Crabtree stated that he didn't recall getting direction to discuss the study session fees with the Commission.

Councilmember Vreeland stated that it was on page 19, and asked if he talked with the Planning Commission about use permit fees or had a study session to discuss the parking in lieu fees.

Planning Director Crabtree stated that the parking in lieu fees were not a Planning item so that wouldn't have been discussed. The Planning Commission did discuss a use permit and the outdoor dining issue.

Councilmember Vreeland asked if he could let them know what happened at that.

Planning Director Crabtree stated that he could tell him right now.

Councilmember Vreeland stated that it wasn't on the agenda and he didn't know if they could talk about it, then asked the City Attorney for an opinion.

City Attorney Quick asked if they were talking about it in context of how it relates to the study session fees.

Councilmember Vreeland responded that they were not.

City Attorney Quick suggested that an off site memo would suffice.

Councilmember Vreeland stated that, while he agreed with some of the points brought up by Commissioner Clifford, some people had come to him and said it was expensive to get initial feedback from the Planning Commission and the Planning Department without having to put \$1,200 up front. He knew they talked about it a year ago but it didn't really go anywhere. He asked if there was a possible fourth option of discussing a concept with no cost associated with it, specifically wondering if it made sense to spend \$1,200 to get some feedback, etc. He understood the value of study sessions but he wondered if, in this economic time, they could give that

feedback to the public without that charge. He asked if there was a middle session with very little staff time to get initial feedback.

Councilmember DeJarnatt felt this wasn't anyone's plan to charge more for study sessions. He understood what Councilmember Vreeland was saying. He felt that, with the involved study session, the money was well spent. He supported the way the process worked. He felt that, if there was a short process for a potential developer to go through and would work, he would be willing to think about. He liked the way this worked and thought it worked well.

Councilmember Lancelle thought it was interesting reading the previous minutes on this subject. She thought this was brought up because Councilmember Vreeland was concerned about the cost. She clarified that, contrary to what a speaker said, this was not to add or increase fees, but looking for ways to make it more fair and not as expensive. She asked the Planning Director about the process if someone was interested in building a project, such as whether staff provides them with some initial input to get some of their questions answered and provide direction.

Planning Director Crabtree stated that they would go over with the applicant as soon as possible any issues such as whether it would be a lengthy, difficult process, etc., before any application is filed or plans are drawn up and before any thoughts of a study session would even begin.

Councilmember Lancelle asked if he was aware of what other cities charged for study sessions.

Planning Director Crabtree thought most other cities had a study session process with a fee involved but it differed from city to city and the form of the study session would also differ.

Councilmember Lancelle thought they should review this, and she encouraged the public to come to councilmembers when there was an issue or if there were concerns about the process, and the Council can be specific about any changes that need to be made. She felt that, as long as they get the money refunded if they don't go forward or it goes toward the cost of the permit or refunded to commercial projects, she was fairly comfortable with it. However, she did have some other issues that she felt it would be good to be updated on the outcome. She thanked Councilmember Vreeland for bringing this up. She was happy to go forward, but did invite the public to call her if they have specific issues.

Mayor pro Tem Nihart was thrilled to be clear about the fact that, for commercial, the \$1,200 was refunded when the business came into existence. She then reminded the Council that this was what they were doing in the first subcommittee meeting on economic development which was to look at the entire process and see how people viewed the aspects of the process and how they can possibly improve this. She was not opposed to looking at a middle ground or providing feedback. She mentioned specific situations in individual neighborhoods where it would have been nice for a homeowner to get some direction and know the Planning Commission's thinking. She was happy with leaving it as is, since it was not a new fee, until they get more information on looking at the process as a whole.

Councilmember Vreeland appreciated the clarifications made, agreeing that it was not a new fee but looking for flexibility in a fee. He asked that they have a clear request that the Planning Commission have a study session in the next 90 days to talk about a possible middle ground with study sessions, specifically can a homeowner come in and get more support from the Planning Commission and staff rather than a person at the counter being the only contact they have. He asked again if they could make a recommendation that the staff and Commission come back with their recommendation.

Councilmember Vreeland made a motion that the planning Commission look at the study session fee structure and see if there was a middle ground where someone can come in and have a much less costly option to get that important feedback in the next 90 days; seconded by Mayor pro Tem Nihart.

Mayor Digre thought it gets confused and she liked definitions, and she asked that they come up with a definition of what a study session is. She felt there was an incentive for commercial. She was in favor of protecting staff and City time so that the taxpayers don't end up having to pay. With a commercial endeavor, they think there is going to be a profit and she didn't have a problem with refunding it if it pays off for them, but she didn't think the City should be on the losing end. She felt there was a big difference between a single family applicant and a multifamily applicant, and she suggested a possible flat fee for single family and bigger for attached families. She felt fairness was important and being clear with definitions and parameters would be helpful.

Councilmember Vreeland stated that none of this was carved in stone, just seeing whether it made sense to look at this and, if they make changes that don't work, they can change it back. He had gotten feedback that they needed to have more flexibility.

Mayor pro Tem Nihart stated that, if they do this, she would like the Planning Commission to think about the differences in the types of projects and give them feedback. She agreed that it was very different to have multiple units built and look at a lot of different factors rather than someone starting a process of putting on a second story and then run into a whole ball of confusion when it might be headed off before they got to that point. She also asked if there was a middle ground because, for that individual, \$1,200 was a lot.

Planning Director Crabtree had a question about the motion. He noted that it included fees, but he understood that the fees were not their area of jurisdiction. He wondered if the Council wanted the Planning Commission to consider fees in their deliberation. He felt it was fine, but he wanted to be clear about that.

Mayor pro Tem Nihart stated that, for herself, she wasn't talking about the fee itself as much as it was some of the assertions of the fee. She asked if it was possible for a middle ground in staff time usage that would be beneficial to both the commissioners and the applicants to make the process a little more user friendly for people and not so prohibitive because of all the documentation, etc.

Planning Director Crabtree appreciated the Mayor's comments about clear definitions. He stated that, with a study session, a cocktail napkin was acceptable for a study session. There was no requirement for any documentation. A person can have a study session and not provide a single document to the Planning Commission, adding that the value would decrease.

Councilmember Vreeland stated that they don't have to get into the fee structure, but talk about a way that the Planning Commission and planning staff can be more user friendly when getting some of the basic questions addressed. He referred to the two levels of study sessions mentioned, with a full set of plans or merely a cocktail napkin such as an idea about doing a three-story building on the beach, and stated that those sessions would not get the same level of staff evaluation but both, by definition, ask for \$1,200 before a study session can get set up. He agreed not to talk about the money or documentation, but asked if there was a middle ground where people can get more attention about what the Planning Commission, staff or neighbors would say.

He suggested that they have it for an hour before a regular meeting. He offered to clarify his motion, but was talking about what Mayor pro Tem Nihart said, which was how can they be more user friendly to the general public who want to build projects. He would like to do it within the next 90 days.

Mayor pro Tem Nihart encouraged the Planning Commission to be creative, suggesting that it could be as simple as some consultation, but she felt strongly that there needs to be some kind of hearing for individuals.

Mayor Digre was confused because they were picky about following the agenda and the subject was discussion of fees. She asked if they strayed.

Councilmember Vreeland asked if the City Attorney had an issue.

City Attorney Quick stated that they were talking about the circumstances surrounding the fee, what goes into the fee, and they weren't limited to just discussing the dollar but can discuss the broader considerations. She thought they were fine.

Mayor Digre asked if staff was clear at this point.

Planning Director Crabtree stated that staff was very clear.

Councilmember DeJarnatt was comfortable with the way the system works now and liked it fine. However, he would go along with it because there might be something else they could come up with and he would support it from that perspective.

Mayor Digre asked staff to reiterate what he thinks he heard and asked the maker of the motion to repeat the motion.

Planning Director Crabtree stated that he heard that the Council wants the Planning Commission to hold a study session to find out if there was a some sort of middle ground between a full blown study session and nothing, and look at ways that we can be more user friendly to applicants to help them through the process, sort of an even more informal study session process.

Planning Commissioner Evans asked clarification because, from what he was hearing, he was seeing them separating the business side to go along the lines of the homeowner side and even separating a project of multi-units.

Councilmember Vreeland stated that it was much more broad than that, and they wanted the Commission to talk about it which was more appropriate. He added that the maker of the motion agrees with the summary from the Planning Director.

Mayor pro Tem Nihart stated that the second does as well.

Mayor Digre asked that the maker reiterate his motion because she was not clear.

City Attorney Quick asked the City Clerk to read the motion back.

Councilmember Vreeland agreed to do it.

Councilmember Vreeland moved that the Planning Commission hold a study session within the next 90 days to look at the study session process and to see if there are other ways with which the Planning Commission and Planning staff can be more flexible when reviewing initial applications prior to just having full blown formal study sessions. He asked if that made sense to the Planning Director.

Planning Director Crabtree responded affirmatively.

Councilmember Vreeland asked the Mayor if that made sense.

Mayor Digre asked if it made sense to Planning Commissioner Evans.

Planning Commissioner Evans responded affirmatively.

Mayor pro Tem Nihart wanted to be really clear that it was not that anyone was at fault but merely an issue of trying to help some of the problems that have turned into some real challenges for people to do better in a less costly way ultimately but the Council would set that if the Commission figures out a process.

Planning Commissioner Evans stated that they would do their best.

Councilmember Lancelle stated that, in the spirit of what Mayor pro Tem Nihart said, and to put a warmer view on this, it was an opportunity because for some people it was a kind of stressful endeavor which involved money and risk, and the idea was to find ways to be supportive of them, helpful and have a process.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

City Attorney Quick stated that she recalled that the Council suspended collection of the fee pending this discussion. She asked if they wished to direct staff to continue collecting the fee or continue the suspension.

Councilmember Lancelle didn't want to contradict the City Attorney, mentioning that they had the minutes from that meeting.

Councilmember Vreeland thought the City Attorney was correct that they had approved the entire fee structure and held this item until they had this discussion.

Councilmember Lancelle questioned whether they suspended the fee or kept it as it was.

Councilmember Vreeland asked the City Attorney.

City Attorney Quick stated that she could be mistaken but she had the impression that they didn't want staff to collect the study session fee while this item was being continued. She asked, for clarification, if Council wished staff to continue collecting the fee.

Councilmember Vreeland stated that, as the maker of the motion, that would be his preference but he didn't believe that his reading of the Council was that way and he suggested that they keep it the way that it is until they get feedback from the Planning Commission.

City Manager Rhodes stated that he was looking at the minutes and the fee was suspended.

Mayor Digre asked where he saw that.

City Manager Rhodes stated that, on page 8, "City Attorney states she understood that they were approving everything except K and, for K, they would like to currently suspend the collection and continue K for further discussion. Councilmember Vreeland stated that she was correct."

Councilmember Vreeland responded that, tonight, she was correct again. He stated that, if the Council kept it that way, it was great. He didn't imagine there would be many study sessions between now and the next three months.

Councilmember Lancelle stated that it was fine if that was what they approved the last time.

Mayor Digre stated that she had a problem with the amount of time going past on things and she would like to tighten up on how long it takes. She asked Councilmember Vreeland how many days.

Councilmember Lancelle stated that he said within the next 90 days. She had a concern too by making it 90 days and she felt it might put a hardship on the Planning Department. It had the potential to do that without having the revenue, to go from one extreme to the other. She asked input from the Planning Director as to whether collecting no fees for the next 90 days would be difficult budget wise.

Planning Director Crabtree stated that it was staff time, that was all it was. He didn't know what they meant by difficult.

Councilmember DeJarnatt stated that, since he wasn't at the last meeting, he didn't hear that part of the discussion. He recognized and respected everyone's opinion but he didn't agree. He asked that they change his vote to no.

Councilmember Vreeland felt that this was getting way out of hand. He stated that they had suspended the fee at the last meeting.

City Attorney Quick stated that he was correct.

Councilmember Vreeland asked, with the way the agendized item was set up, if they had the ability to change that or did they have to come back to the next meeting and change it.

City Attorney Quick explained that it was agendized as a discussion of fees. They have already given the order to suspend the collection and that order will remain in effect unless they give a different order. She was hearing that the consensus was to maintain the status quo for the next 90 days until the Planning Commission comes back with a report. She wanted to raise that issue and she was sorry she did, because it was an open item from the last meeting. While she may be misconstruing, she stated that it sounds to her as though the Council wants to hear what the Planning Commission has to say.

Mayor pro Tem Nihart stated that she was fine with leaving the fee structure as it is now and moving forward with looking at what would be the best, most usable option for individuals that they serve.

Councilmember Vreeland asked if some member of the Council would make that motion. He stated that, when talking about getting information, he wasn't necessarily talking about the fee specifically. He stated that, if they want to make a separate motion to reinstate the fee, they should go ahead and do that.

City Attorney Quick stated that she had thought it was a continuation of a public hearing, but as the City Manager pointed out, it was not agendaized that way. She stated that, in order to reinstate the fee, they would need a hearing. They need to know what the Council wishes to do and then they can implement it. If they wish to leave it as the status quo of suspended until the 90 days are up, they can do that or can direct them to come back with another hearing.

Mayor Digre clarified that the suspension was from the last meeting and not the year before. She felt they were back with the original motion and second.

City Attorney Quick believed they made a motion and a second and it went to vote. She asked verification from the City Clerk.

City Clerk O'Connell responded affirmatively.

Mayor Digre stated that they were okay with the vote.

8. Issuance of Pension Obligation Bonds to Refinance the Outstanding Obligation of the City to the California Public Employees Retirement System.

Admin. Services Director Ritzma presented the staff report.

Mayor pro Tem Nihart stated that she has heard so many questions about this and so much misinformation so she wanted to be sure the public was clear. She stated that this was money we already owe as part of the changes in the accounting practices and other things that have happened.

Admin. Services Director Ritzma stated that they anticipate that it will stay at least at 7.8%

Mayor pro Tem Nihart asked if this would fix our rate and bring it lower.

Admin. Services Director Ritzma stated that it would save us money on our payments, because we will continue to pay the same amount but will be paying less interest which was a savings of \$80,000 to \$110,000 a year.

Councilmember Lancelle clarified for the public that this was the retirement obligation for employees, managed by California Public Employee Retirement System. She thanked the Admin. Services Director for finding a solution to reduce the interest rates and another way to finance this.

There were no public comments.

Councilmember Vreeland thanked staff for all their hard work and bond counsel for staying and watching democracy in action, Pacifica style.

Admin. Services Director Ritzma stated that both the bond counsel and underwriter were present.

Councilmember Vreeland agreed with the other Councilmembers that this was a cost savings process for the City of between \$80,000 and \$110,000 because the obligation was there and they were trying to reduce our costs. He thought it was wonderful that staff has come up with this continued resolution of this problem.

Councilmember Vreeland moved to adopt the resolution entitled "A resolution of the City Council of the City of Pacifica authorizing the sale of pension obligation bonds to refinance outstanding obligations of the City to the California Public Employees' Retirement System, approving the final form of related documents and approving official actions;" seconded by Mayor pro Tem Nihart.

Mayor pro Tem Nihart again thanked staff for doing this, adding that, at \$110,000 annually it would make it \$500,000 in our five year plan.

Mayor Digre also thanked them, mentioning that the public realize we started studying and being ready to jump on the good things in June 2008.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

9. Consent for the City of Pacifica to be included in the Boundaries of the San Mateo County Tourism Business Improvement District.

City Manager Rhodes presented the staff report.

Susan Vellone , Chamber of Commerce, introduced the executive team. She asked that the Council consider and vote to bring Pacifica into the San Mateo County Convention and Visitors Bureau. She gave a brief report of what this would mean for the City and local businesses.

Mayor Digre opened public comments.

Marty Surals, General Manager of the Lighthouse Hotel, also manages the Half Moon Bay Lodge and shared his experiences working with bureaus. He stated that it would provide access to getting business and they would also invite travel writers to be our guest and experience the City. He stated that the Lighthouse was the biggest hotel in Pacifica and the perception was that they would get the most out of it, which they may. However, he felt it would bring a lot of business into Pacifica and business to the other hotels. He also mentioned his experience with the bureaus while running small hotels in San Francisco where the smaller hotels get runoff from the larger hotels. He stated that Ann LeClair from the San Mateo Convention and Visitors Bureau who probably can answer a lot more specific questions about how this works.

Ann LeClair stated she would keep it short. She mentioned that years ago they wanted Pacifica as a part of it, but it didn't work out. She stated that, if they did their job, they thought Pacifica would want to come in. They were pleased that things have moved along and many people want to get on board of what is now a well-oiled machine.

Mayor Digre closed public comments.

Mayor Digre asked Sally to come up, adding that she, Sally and Ann have been at this for over seven years. She was energized by Sally and she appreciated her. She was happy that the Chamber was so energetic and she gave credit to their former manager, Joe Tanner, as well as Bill Norton. She was also pleased that Steve Rhodes had also jumped on it. She stated that Barbara Arietta was not present but she did a study with the help of Ann and Sally and presented it.

Mayor pro Tem Nihart moved to adopt the attached resolution entitled "The Resolution of the Council of the City of Pacifica consenting to the City of Pacifica being included within the boundaries of the San Mateo County Tourism Business Improvement District;" seconded by Councilmember Vreeland.

Councilmember Vreeland recalled a luncheon with the people from the Lighthouse going through the benefits of joining. He was ready to get this to move forward like everyone did but the stumbling block seemed to be what was going on in the Chamber, and he thanked the Chamber for the new leadership. He stated that this was a no-brainer. Personally, it bothered him every year when he got the map from them and Pacifica was not on the map. He felt it was an honor to second this resolution. He thanked them for their leadership on a much larger regional level.

Ms. LeClair thanked him, stating that a lot of people have put a lot of years of dedicated energy into this.

Mayor Digre stated that Marty Surals' comment helped her to be enlightened about how difficult it may be for some of the smaller hotels to take the leap. She thanked all the hotel people.

City Attorney Quick stated that the public comment period was closed.

Mayor Digre stated that she was just thanking them.

City Attorney Quick stated that she didn't want them to start speaking.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

Mayor Digre reminded everyone that the budget meeting was Wednesday.

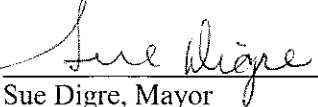
Mayor Digre adjourned the meeting at 8:50 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 5/10/10; 5-0



Sue Digre, Mayor