#### CITY OF PACIFICA CITY COUNCIL AGENDA

MAYOR MARY ANN NIHART
MAYOR PRO TEM PETE DEJARNATT
COUNCILMEMBER JIM VREELAND
COUNCILMEMBER SUE DIGRE
COUNCILMEMBER LEN STONE

CITY COUNCIL CHAMBERS 2212 BEACH BOULEVARD PACIFICA, CALIFORNIA 94044

#### AMENDED December 12, 2011

www.cityofpacifica.org

Off-street parking is allowed by permit for attendance at official public meetings. Vehicles parked without permits are subject to citation. You should obtain a permit from the rack in the lobby and place it on the dashboard of your vehicle in such a manner as is visible to law enforcement personnel.

Cail to Order - Open Meeting

6:30 p.m. CLOSED SESSION

1. PURSUANT TO GOVERNMENT CODE SECTION 54957. Public Employee Appointment: Title: City Attorney.

#### **OPEN SESSION**

7:00 p.m.
Call to Order
Roll Call
Salute to the Flag led by Mayor pro Tem DeJarnatt
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 11/01/11 to 12/05/11 in the amount of \$1,148,150.43 Regular and quick checks numbered 81965, 15694 to 15834 (Proposed action: approve)
- 2. Approval of Minutes of Regular City Council Meeting of November 28, 2011 (**Proposed action**: approve)
- Continuation of Local Emergency Proclamation (Proposed action: approve)
- 4. Review of Development Fee Accounting Information (Proposed action: review the City of Pacifica Annual Report of Development Fees and Expenditures for the year ended June 30, 2011 and direct the City Clerk to retain this report in the official Records)
- 5. Notice of Completion for the Department of Public Works Corporation Yard Roof Repair (Proposed action: adopt the resolution next in order A Resolution of the City Council of the City of Pacifica Accepting Completion and Direct the City Manager to File Notice of Completion for the Department of Public Works Corporation Yard Roof Repair Project)
- 6. Comment Letter on Golden Gate National Recreation Area Supporting Funding for an Interpretive Center at the Sanchez Adobe Historic Site (**Proposed action**: support sending the attached letter

from the Mayor to the Golden Gate National Recreation Area indicating support for funding for an Interpretive Center at the Sanchez Adobe Historic Site)

#### SPECIAL PRESENTATION

None.

#### 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.

#### 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

- 7. Approval of Contract for City Attorney Services with Burke, Williams and Sorensen LLP and Appointment of City Attorney (**Proposed action**: approval of resolution approving contract for City Attorney Services with Burke, Williams & Sorensen, LLP and designating Michelle Marchetta Kenyon as City Attorney)
- 8. Appointments to be Considered by the City Selection Committee and by the San Mateo County Council of Cities (**Proposed action:** staff recommends that the City Council give direction to the Mayor, as the voting member on the City Selection Committee or the Councilmember holding the Mayor's proxy regarding the appointments at the December 16, 2011 City Selection Committee meeting and San Mateo County Council of Cities)

#### ADJOURN TO CITY COUNCIL REORGANZATION

#### SPECIAL ORDER OF BUSINESS

- Election of Mayor and Mayor pro Tem
- Outgoing Mayor's Remarks
- Presentation to Outgoing Mayor
- Incoming Mayor's Remarks

#### 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 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/municode);

#### HOW TO OBTAIN CITY COUNCIL AGENDAS

#### Posted agendas:

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

View on the Internet:

Follow the link to Council agenda, at www.citvofpacifica.org

E-mail subscription:

Send a request to Kathy O'Connell, at o'connellk@ci.pacifica.ca.us

City Clerk's Office/City Manager's Office

City Hall, 170 Santa Maria Avenue, 2nd Floor

Council meetings:

Agendas are available at the City Council meeting

#### HOW TO OBTAIN CITY COUNCIL AGENDA PACKET MATERIALS

#### City Clerk's Office or the Library:

A copy of the complete agenda packet is available for public review on the Friday prior to the City Council meeting, at the Pacifica Library, 104 Hilton Way or the Sanchez Library, 1111 Terra Nova Blvd., Pacifica View staff reports on the Internet:

Follow the link to Council agenda, www.cityofpacifica.org

#### Council meetings:

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

#### HOW TO REACH YOUR LEGISLATORS

- Governor Jerry Brown, State Capitol Building, Sacramento CA 95814 (916) 445-2841
- State Senator Leland Yee, 400 So. El Camino Real, Stc. 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 COUNCIL
- Mayor Mary Ann Nihart, 146 Hilton, Pacifica, CA 94044 (650-359-7624)
- Mayor pro Tem Peter DeJarnatt, 759 Edgemar, Pacifica, CA 94044 (650-355-5777)
- Councilmember Jim Vreeland, 1561 Grand Ave., Pacifica, CA 94044 (650-738-9470)
- Councilmember Sue Digre, 780 Edgemar, Pacifica, CA 94044 (650-355-4606)
- Councilmember Len Stone, 1005 Terra Nova Blvd. #1 Pacifica, CA 94044 (650-355-5700)

#### CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT

December 12, 2011

Agenda Item No. 3

#### **SUBJECT:**

Proclamation Confirming Existence of a Local Emergency

#### **ORIGINATED BY:**

City Manager's Office

#### DISCUSSION:

On April 7, 2010 the Director of Emergency Services did proclaim the existence of a local emergency due to severe cliff erosion, landslide ground subsidence and failure of the revetment supporting the City storm drainage at 380 and 400 Esplanade Avenue. The City Council ratified this proclamation at their April 12, 2010 regular meeting.

Said local emergency still exists and shall be deemed to continue until its termination is proclaimed by the City Council.

Updated information for rain totals from storm that started on March 23, 2011 at 4:30 p.m. through March 24, 2011 ending at 2:00 p.m. with a total rain of 1.97 inches and a wind speed of thirty-two miles per hour; wind direction south, southwest.

#### ATTACHMENTS:

Proclamation Confirming Existence of a Local Emergency dated April 12, 2010. Photos of Existing Conditions as of December 6, 2011

#### COUNCIL ACTIONS REQUESTED:

Move to continue the proclamation confirming the existence of a local emergency dated April 12, 2010.

#### CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT DECEMBER 12, 2011

Agenda Item No. 4

#### SUBJECT:

Review of development fee accounting information

#### **ORIGINATED BY:**

Engineering Division, Department of Public Works
Finance Department

#### BACKGROUND/DISCUSSION:

The City of Pacifica, like many other local agencies, levies fees ("development fees") on new development within the City in order to fund public capital improvements necessitated by such development. The California Mitigation Fee Act, commonly known as AB1600 (Government Code Sections 66000 and following), imposes certain accounting and reporting requirements on local agencies that collect development fees. The proposed actions before the City Council are designed to ensure that the City complies with the accounting and reporting requirements of the Mitigation Fee Act.

The City of Pacifica's Municipal Code authorizes collection of the following development fees covered by the Mitigation Fee Act:

- Traffic Impact Mitigation Improvement Fees for Highway One Improvements (Chapter 15, Title 8)
- Traffic Impact Mitigation Fees for the Improvement of the Manor Drive/Palmetto Avenue/Oceana Boulevard Intersection (Chapter 18, Title 8)
- Planned Drainage Facilities Fees (Article 1, Chapter 4, Title 7)
- Capital Projects Fees (Article 2, Chapter 4, Title 7)
- Fees for Park and Recreational Purposes (Chapter 19, Title 8)
- Sewer Facilities Fee (Article 1, Chapter 11, Title 6)
- Rockaway Beach In-Lieu Parking Facilities Fee (Resolution No. 17-86)

The Mitigation Fee Act mandates that for accounting purposes, development fees must be segregated from the general funds of the City and from other funds containing fees collected for other improvements. Interest on each development fee fund must be credited to that fund and used only for the purposes for which the fees were collected.

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December 12, 2011
Review of development fee accounting information
Page 2

The Mitigation Fee Act also requires that, within 180 days after the close of the fiscal year, the City must make available to the public the following information regarding each of its development fee funds:

- A brief description of the type of development fee in the fund.
- · The amount of the development fee.
- The beginning and ending fund balance for the fiscal year.
- · The amount of development fees collected and interest earned.
- An identification of each public improvement on which development fees were expended together with the amount of such expenditures.
- Information regarding the schedule for commencement of certain public improvements to be funded with development fees.
- · A description of any inter-fund transfers or loans made from the fund.
- The amount of any refunds made.

To comply with these requirements, Staff has prepared the attached Mitigation Fee Act Annual Report for the fiscal year ending June 30, 2011 (Attachment 1). Pursuant to the requirements of the Mitigation Fee Act, this report is being presented to the City Council for review at a regularly scheduled public meeting not less than 15 days after the information was made available to the public. In addition, notice of the time and place of this meeting must be mailed at least 15 days prior to the meeting to all interested parties who filed a written request for such a notice. The City has received no such requests for notice. No refunds were made from any of the funds.

Staff recommends that the City Council review the Annual Report.

#### FISCAL IMPACT:

None.

#### **DOCUMENTS ATTACHED:**

- 1. City of Pacifica Annual Report of Development Fees and Expenditures for the year ended June 30, 2011 (Attachment 1)
- 2. Notice of Availability of the Mitigation Fee Act Annual Report for Fiscal Year Ending June 30, 2011, of the City of Pacifica.

#### COUNCIL ACTION REQUESTED:

Review the City of Pacifica Annual Report of Development Fees and Expenditures for the year ended June 30, 2011 (Attachment 1) and direct the City Clerk to retain this report in the official records of the City.



#### CITY HALL

170 Santa Maria Avenue • Pacifica, California 94044-2506 www.cityofpacifica.org

MAYOR Mary Ann Nihart

MAYOR PRO TEM

COUNCIL
Sue Digre
James M. Vreeland, &.
Len Stone

#### CITY MANAGER'S OFFICE

TEL. (650) 738-7301 FAX (650) 359-6038

#### CITY ATTORNEY

TEL. (650) 738-7409 FAX (650) 359-8947

#### CITY CLERK

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#### CITY COUNCIL TEL. (650) 738-7301

FAX (650) 359-6038

#### FINANCE TEL. (650) 738-7392

FAX (650) 738-7411

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- Building
   TEL. (550) 738-7344
- \* Code Enforcement TEL (650) 738-7341

#### POLICE DEPARTMENT

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#### PUBLIC WORKS

TEL. (650) 738-3760 FAX (650) 738-9747

- Engineering
   TEL. (650) 738-3767
   FAX (650) 738-3003
- Field Services
   TEL. (650) 738-3760
   FAX (650) 738-9747

# NOTICE OF AVAILABILITY OF THE MITIGATION FEE ACT ANNUAL REPORT FOR FISCAL YEAR ENDING JUNE 30, 2011 OF THE CITY OF PACIFICA

A copy of the Mitigation Fee Act Annual Report for fiscal year ending June 30, 2011 of the City of Pacifica is available for public review in person at the Office of the City Clerk, 170 Santa Maria Avenue.

The City Council of the City of Pacifica will review the Mitigation Fee Act Annual Report for fiscal year ending June 30, 2011 at its regularly scheduled meeting in the Council Chambers, 2212 Beach Boulevard, at 7:00 p.m., December 12, 2011.

The City of Pacifica will provide special assistance for disabled citizens upon at least 24-hour advance notice to the City Manager's office (738-7306). If you need sign language assistance of written material printed in a larger font or taped, advance notice is necessary. All public meeting rooms are accessible to the disabled.

Ann Ritzma, Deputy City Clerk

0. 8/24

Date Posted

11-50-11

#### CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT December 12, 2011

Agenda Item No. 5

#### SUBJECT:

Notice of Completion for the Department of Public Works Corporation Yard Roof Repair Project.

#### ORIGINATED BY:

Engineering Division
Department of Public Works

#### BACKGROUND/DISCUSSION:

During the regular City Council meeting of June 13, 2011, Council authorized award of contract to Pioneer Contractors, Inc. for the Department of Public Works Corporation Yard Roof Repair Project. This project consisted of the removal of the entire roof to the structural deck and replaced it with new roofing system to repair leaks. The project was performed in a satisfactory manner with a total project cost of \$102,725.00 which is well within the budgeted amount of \$114,000.00.

As the project is now complete, it is appropriate to record the formal Notice of Completion. This recorded document is the legal notice that the city considers the project complete and that we intend to pay the contractor for the full and complete contract price. This puts all subcontractors and suppliers on notice that if they have any claims for payment from the contractor, they have 30 days to file claims for payment against the city. This provision of contract law protects subcontractors from contractors who may not pay them properly. It also protects the city from claims against us for any nonpayment on the part of the contractor. The city withholds 10% on the contract amount to make sure that all subcontractors have been paid.

#### FISCAL IMPACT:

There is no fiscal impact related to filing the Notice of Completion.

#### **DOCUMENTS ATTACHED:**

- A Resolution of the City Council of the City of Pacifica Accepting Completion and Directing the City Manager to File Notice of Completion for the Department of Public Works Corporation Yard Roof Repair Project.
- 2. Notice of Completion.

#### **COUNCIL ACTION REQUESTED:**

Council Agenda Summary Report

Notice of Completion for Department of Public Works Corporation Yard Roof Repair

Project
December 12, 2011

Page 2

Adopt the resolution next in order A Resolution of the City Council of the City of Pacifica Accepting Completion and Direct the City Manager to file Notice of Completion for the Department of Public Works Corporation Yard Roof Repair Project.

RESOLUTION NO.			
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# A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA ACCEPTING COMPLETION AND DIRECTING THE CITY MANAGER TO FILE NOTICE OF COMPLETION FOR THE DEPARTMENT OF PUBLIC WORKS CORPORATION YARD ROOF REPAIR PROJECT

RESOLVED by the City Council of the City of Pacifica, California, that WHEREAS, the City Engineer of the said City has filed with the City Clerk of said City, his Certificate as to the completion of all of the work provided to be done under and pursuant to the contract between said City and Pioneer Contractors, Inc., dated June 13, 2011, and

WHEREAS, it appears to the satisfaction of this Council that said work under said contract has been fully completed as provided in said contract and the plans and specifications therein referred to,

NOW, THEREFORE, it is ordered as follows:

- That acceptance of completion of said work be, and it is hereby, made and ordered.
- 2. That the City Manager is directed to file for record with the County Recorder of the County of San Mateo, Notice of Completion thereof, pursuant to Section 3093 of the Civil Code of the State of California.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 12th day of December 2011, by the following vote:

AYES, Councilmembers: NOES, Councilmembers:

ABSENT, Councilmembers:

**ABSTAIN**, Councilmembers:

#### CITY OF PACIFICA

	Bv:
ATTEST:	By: Mayor Mary Ann Nihart
Kathy O'Connell , City Clerk	<del></del>
APPROVED AS TO FORM:	
Michelle M. Kenyon Interim City Attorney	***

## NOTICE OF COMPLETION CITY OF PACIFICA DEPARTMENT OF PUBLIC WORKS CORPORATION YARD ROOF REPAIR PROJECT

**NOTICE IS HEREBY GIVEN**, pursuant to Section 3093 of the Civil Code of the State of California, by Van Dominic Ocampo, City Engineer of the City of Pacifica, California, that the contract awarded to Pioneer Contractors, Inc., on June 13, 2011, has been completed in accordance with the plans and specifications for said work filed with the City Clerk, and approved by the City Council of said City.

That said work and improvements were actually completed on the 9<sup>th</sup> day of November 2011 and that acceptance of completion of said work was ordered by the City Council of said City, adopted on the 12th day of December 2011, and that the name of the surety on the contractor's bond for labor and materials on said project is First National Insurance Company of America.

That said work and improvements consisted of the removal of existing roof and replacement with new roof at the Department of Public Works Corporation Yard, all as more particularly described in the plans and specifications, and on file in the office of the City Clerk of the City of Pacifica.

Name and address of Owner:

City of Pacifica 170 Santa Maria Avenue Pacifica, California 94044

Van Dominic Ócampo, P. E.

City Engineer

#### VERIFICATION

The undersigned states that he is the City Engineer of the City of Pacifica and that he makes this verification on behalf of said entity; that he has read the foregoing, and knows the contents thereof, and that the facts stated therein are true.

Van Dominic Ocampo, P. E.

City Engineer

Executed at Pacifica, California, on December 12, 2011.

#### CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT December 12, 2011

Agenda Item No. 6

#### **SUBJECT:**

Comment Letter to Golden Gate National Recreation Area Supporting Funding for an Interpretive Center at the Sanchez Adobe Historic Site

#### **ORIGINATED BY:**

City Manager

#### DISCUSSION:

The City of Pacifica has been requested to support efforts by organizations in San Mateo County who are seeking funding for an Interpretive Center at the Sanchez Adobe Historic Site. The proposal is for a Center that would include information on Portola's discovery of San Francisco Bay and early periods of California history. The funds are requested to be included in the Golden Gate National Recreation Area's Management Plan that is under development.

If the Council agrees the attached letter would be sent to the GGNRA.

#### FISCAL IMPACT:

No direct fiscal impact

#### ATTACHMENTS:

Letters from San Mateo County, the San Mateo County Historical Association and the San Mateo County Convention and Visitor's Bureau

#### **COUNCIL ACTION REQUESTED:**

Support sending the attached letter from the Mayor to the Golden Gate National Recreation Area indicating support for funding for an Interpretive Center at the Sanchez Adobe Historic Site.



#### CITY HALL

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MAYOR
Mary Ann Nihart

MAYOR PRO TEM
Peter Delarnatt

COUNCIL
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POLICE DEPARTMENT

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PUBLIC WORKS

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Engineering

TEL. (650) 738-3767 FAX (650) 738-3003

Field Services

TEL. (650) 738-3760 FAX (650) 738-9747 December 13, 2011

Mr. Frank Dean Superintendent

Golden Gate National Recreation Area

Building 201, Fort Mason San Francisco, CA 94123

Dear Superintendent Dean:

The City of Pacifica would like to go on record as supporting the efforts of the San Mateo County Historical Society, San Mateo County and the San Mateo County Convention and Visitor's Bureau to obtain funding for the development of an Interpretive Center at the Sanchez Adobe Historic site in Pacifica. This would a great addition to site and serve as an information point for many of the GGNRA sites in Pacifica.

We encourage you to give this plan serious consideration as you finalize the Management Plan and address the comments that have been received.

Sincerely,

cc:

Mary Ann Nihart Mayor

San Mateo County Historical Society
San Mateo County Board of Supervisors

San Makeo County Historical Association 2200 Broadway Street Richwood City, California 94063 650 299 0104 650 299 0141 fux www.historysov.org



Frank Dean
Superintendent
Golden Gate National Recreation Area
Attention: Draft GMP/EIS
Building 201, Fort Mason
San Francisco, CA 94123

October 24, 2011

#### Dear Superintendent Dean:

Thank you for requesting the input of the San Mateo County Historical Association regarding the Golden Gate National Recreation Area, Muir Woods National Monument Draft General Management Plan/Environmental Impact Statement of August, 2011. As the authors of the Historic Resources Study for Golden Gate National Recreation Area in San Mateo County, we have come to have a great interest in your Park.

In your cover letter of June 27, you mention the importance of planning for the new parklands in San Mateo County and the prospects for working in partnership with others, including the creation of a "shared multiagency visitor center." This gave us cause for enthusiasm as we began to read the Plan. The references to interpretive and facilities needs at Sweeney Ridge and Milagra Ridge gave us yet more reason for optimism. However, the document generates a number of concerns.

In your list of "Consultation with Other Agencies, Officials, and Organizations" the San Mateo County Historical Association is omitted as is the Study we prepared for you, despite it being your document and despite your spending more than \$100,000 to have it done. Neither our organization nor Mitch Postel, our President and the principal author of your Study, are mentioned in any capacity. It is evident that our Study was never considered. As it was submitted to and accepted by your staff in late 2010, this comes as a surprise to us.

It becomes clear that the Study was not used by your planners in a variety of places. For example in Volume II, page 97, the entire reference to the Bay Discovery Site consists of a single paragraph without mentioning a potential partnership with us. Moreover, the passage does not acknowledge our Study's strong recommendation to elevate the Park's recognition of the significant historic impact of Gaspar de Portolá's 1769 expedition. In Volume I, page 220, in referring to partnerships with the San Francisco Public Utilities Commission, mention is made of "coordination with the Juan Bautista de Anza National Historic Trail." As our Study pleads in pages 40-43, we ask that you give at least equal consideration to the importance of the Portolá experience as compared to that of Anza.

Anza blazed a trail from central Mexico to recognized routes in California between 1774 and 1776. However, earlier, Portolá blazed his trail from the Baja to the Bay Area without benefit of any Spanish presence in Alta California beforehand. Anza's trail helped open up California to Spanish colonial efforts, but only between 1776 and 1781, as his trail was closed by the Yume Indians and left abandoned by the Spanish for the rest of that era. Portolá's trail became the famous El Camino Real. Anza brought the original Spanish settlers to create San Francisco. However, Portolá opened the way to colonize all of Alta California. Anza relied on much exploration already accomplished, including Portolá's. He discovered geographical entities that are not nearly as meaningful as Portolá's discovery of the San Francisco Bay: arguably the most significant Spanish discovery in North America in the 18th century. This event represents an important milestone underappreciated in American History.

The discovery of the Bay led one year later to the discovery of the Golden Gate. Within five years, the Gate was proved navigable by the ship San Carlos. Meanwhile, the Spanish had found that if one could navigate and control the Golden Gate, then one could then do so with the great Bay, and if one could do so with the Bay then the Delta would follow, and after that control and navigation of the Sacramento and San Joaquin Rivers was possible. Thus the framework of the landscape of California was suddenly understood by the Spanish. By 1776, only seven years after Portolá's discovery, the Spanish founded a mission and presidio at the tip of the Peninsula indicating their recognition of the future strategic and commercial importance of the discovery of 1769.

Every effort needs to be made not to confuse the stories of the two explorers: Portola and Anza. After all, your planning document is, in part, supposed to emphasize the Discovery Site, which the National Park Service owns. Moreover, the timing is right to feature this significant episode. On November 4, 2019, the discovery will have been made 250 years ago. Ought we now start planning for this significant milestone and should this not be a part of the Management Plan? Think of the historic change that has come about in the West since 1769, in great part ushered in by this momentous development.

In our Study, we stress the potential of interpreting the discovery at San Mateo County's Sanchez Adobe Historic Park on Linda Mar Boulevard in Pacifica. We describe a master plan for the site which would work in wonderfully with your needs. There is neither reference to the Sanchez Adobe Master Plan nor any mention of our proposal in the Management Plan. However, the County's Woodside Store Historic Park, where parking is limited and the neighbors less enthusiastic, is mentioned as a possible site for cooperative ventures. Under separate cover, you will be receiving letters from the Pacifica Chamber of Commerce and the San Mateo County Convention and Visitors Bureau emphasizing how business and community leaders would welcome your partnership at Sanchez.

We were also surprised by the budget item of nearly \$3 million for a new equestrian center at Rancho Corral de Tierra. We could find no real justification

for this commitment. Meanwhile the terms "Visitor Center," "Orientation Center," "Information Center," and "Stewardship/Education center" are used without definition in the Plan's glossary. We think we are proposing an interpretive center at the Sanchez site, but does this match up with current park terminology? If it does, then we feel an interpretive center is warranted, one that is close to the Discovery Site, one that can give some enlightenment to the public about the historic significance of the GGNRA's lands at Pacifica. Would it not be great to have such a facility open to the public on November 4, 2019?

Upon looking at the Plan's budget, we express sympathy for your \$200 million in deferred maintenance. You have a heavy burden when considering the next 30 years. However, we are nevertheless disappointed that no "high priority projects" are included for Sweeney Ridge, Mori Point, Milagra Ridge or the Phleger Estate. All \$4.6 million for San Mateo County lands are for Rancho Corral de Tierra, of which the bulk is for the equestrian center. Overall we are disheartened that the Plan recognizes \$93,630,000 as high priority needs with just 5% going to the newly acquired San Mateo County lands. When combined with the lower priority projects, you show \$154,820,000 of improvements of which the San Mateo County portion is only marginally better at 6.5%, still disheartening.

Additionally mentioned in our Study are recommendations for archeological investigations to determine the exact whereabouts of the Guerrero Adobe at Rancho Corral de Tierra and the whaling station at Pillar Point. We do not know when in the process such thoughts are considered, but we bring that up again. Also there is considerable concern in the Plan for your museum collections. In our Study we made reference to possible partnerships with our History Museum regarding historical collections. We hope that you will review the possibilities.

Finally, we notice that November 7 is the last day to submit comment on the Plan. We formally request extending that deadline. We had only received this document in mid-September. We are sure other organizations and individuals are only beginning now to understand the Plan and the many issues it encompasses.

Sincerely,

Peggy Johes Chairwoman

cc: San Mateo County Historical Association Board of Directors San Mateo County Board of Supervisors

San Mateo County Manager's Office

San Mateo County Historic Resources Advisory Board

Congresswoman Jackie Speier



### 111 Anza Boulevard, Suite 410, Burlingame, CA 94010 650-348-7600 + 1-800-288-4748 Fax 650-348-7687

Mr. Frank Dean
Superintendent
Golden Gate National Recreation Area
Attention: Draft GMP/EIS
Building 201, Fort Mason
San Francisco, CA 94123

October 21, 2011

#### Dear Superintendent Dean:

The San Mateo County/Silicon Valley Convention and Visitors Bureau wishes to express its appreciation to you for beginning the process of planning for your San Mateo County parklands. I met several of your representatives on Sweeney Ridge in July at a presentation by the San Mateo County Historical Association, and I appreciate the dedication of your staff and their determination to do the best job possible with your limited resources.

After reading your Golden Gate National Recreation Area, Muir Woods National Monument Draft General Management Plan/Environmental Impact Statement, I compliment you on realizing that your San Mateo County parklands are in need of attention, especially in the realms of directional signage and comprehensive visitor interpretation of your holdings. Also, I wish to say thank you for your frequent references to working with others in the planning process. Please include our organization as one that would like to be involved.

Our Board has asked me to address some concerns we have with the draft plan. Our Board Secretary, San Mateo County Historical Association President Mitch Postel, made a presentation to us in August during which he introduced several recommendations to the Park Service that we fully endorse. It appears that, somehow, this study wasn't included in the GGNRA draft management plan. We urge you to extend the comment period and review time to consider the points we are including here.

We believe that the San Francisco Bay Discovery Site needs better attention for promotional and educational reasons. Portolá's finding the Bay was a momentous happening in American History. In 2019, we plan to observe the 250<sup>th</sup> anniversary of this event with the Historical Association. We hope you will be a partner with us, of course, as the site belongs to the GGNRA. We are concerned that, as of now, nothing in the park's plan would further the public's understanding of the Discovery Site in a material way.

We are particularly disappointed that the Historical Association's proposal for a joint project at San Mateo County's Sanchez Adobe Historic Site in Pacifica is not mentioned in your plan. Envisioned at this 5 ½ acre park is a "walk through time" that would make a great place to recognize the Portola expedition's discovery. At this site, the Aramai local tribe had a village called Pruristac, the Spanish built an agricultural outpost and Francisco Sanchez constructed his adobe home. Thus all three early periods of California History are

represented here. This would be a one-of-a kind exhibit for California and would, in our opinion, be a crown jewel for the GGNRA. We can think of nowhere else in California where the first three eras of the state's history are represented in this way.

The Aramai were among the people that Portolá encountered just before his discovery. Evidence of native presence at this location goes back at least 500 years. The agricultural outpost saved the mission fathers with its copious production of food products. At one point, there were as many people living and working at this place as there were at the mission at San Francisco. Francisco Sanchez's house was one of the grandest of his era. His roles in California History include having been commandant of the Presidio, alcalde of Yerba Buena (the community that became San Francisco) and the leader of the Californios during the uprising against American forces at the Battle of Santa Clara (1847). Displays will include a life-size reconstruction of the village of Pruristac, the uncovering of the mission outpost foundations and a recreation of the interior of the Adobe house to its appearance when Don Francisco possessed his Rancho San Pedro that makes up the City of Pacifica today.

Walking north from San Pedro Creek, visitors will encounter California Indian, Spanish colonial and Mexican Rancho days. The plan calls for an interpretive center on the site. What better place to include exhibits about the Portolá expedition which was so central to California History as well? We request that the final management plan focus on the Sanchez Adobe site as a location for a joint facilities project.

We note that Montara Lighthouse is mentioned in the draft plan as a probable site for a visitor center. We question whether motorists will find access to the Lighthouse property easy or safe and whether putting it there would affect the traffic heading into Half Moon Bay area in a negative way, scaring off visitors. We also wonder if there is enough space at this site. (These points would all need to be considered.) Additionally, we note there is a major commitment of funds for an equestrian center at Rancho Corral de Tierra, and that that site is the only San Mateo County named in the study to receive priority funding. We urge you to give more thought to improvements at Pacifica.

At Pacifica, there is thought for "low priority" projects at Shelldance Nursery. It would seem that a more accommodating trail for hikers with average walking abilities emanates from the Fassler trailhead and should be considered, along with improvements for parking, directional signage and interpretive displays.

In conclusion, we respectfully request that you extend your review period, so many more organizations and individuals will have the opportunity to read the study and express themselves. Thank you for considering our views.

Sincerely,

Anne LeClair President/CEO

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#### Department of Public Works



#### COUNTY OF SAN MATEO

BOARD OF SUPERVISORS
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DON HORSLEY
ROSE JACOBS GIBSON
DAVE PINE
ADRIENNE J. TISSIER

JAMES C. PORTER DIRECTOR OF PUBLIC WORKS

555 COUNTY CENTER, 5TH FLOOR • REDWOOD CITY • CALIFORNIA 94063-1655 • PHONE (550) 363-4100 • FAX (650) 361-6220

November 4, 2011

Mr. Frank Dean, Superintendent Golden Gate National Recreation Area (GGNRA) Building 201, Fort Mason San Francisco, CA 94123

Dear Mr. Dean:

Subject: Draft General Management Plan (GMP)/Environmental Impact Statement (EIS)

Thank you for allowing San Mateo County to provide comments on the GGNRA/Muir Woods National Monument Draft GMP/EIS. We note that throughout the document there is consistent reference to the need for working with other agencies. As you know, we are interested in being considered as potential partner in a variety of ways. We'd like to offer the following comments on the Draft GMP/EIS.

#### 1) San Mateo County Historical Association

In completing the historic resource study for your parklands in San Mateo County, the documents did not mention the San Mateo County Historical Association (Historical Association) who is eager to work with GGNRA to interpret the historic and cultural resources on your lands.

#### 2) Sanchez Adobe

This historic property is owned and managed by the San Mateo County Parks Division and jointly managed and interpreted in coordination with the San Mateo County Historical Association. There have been discussions between GGNRA, San Mateo County Parks, and the Historic Association about a potential joint partnership; however this is not mentioned in the Draft GMP/EIS.

Since 1978, the Historic Association has been a valuable partner with San Mateo County Parks. Their education programs are extremely popular, serving some 7,000 3<sup>rd</sup> and 4<sup>th</sup> graders and their escorts each year. They additionally operate the site for us and have done an outstanding job. We highly recommend the Historic Association as a valuable partner.

Mr. Frank Dean, Superintendent, Golden Gate National Recreation Area (GGNRA)

Subject: Draft General Management Plan (GMP)/Environmental Impact Statement (EIS)

November 4, 2011

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Unfortunately, the County has not had the ability to fund any significant capital improvements at the Sanchez Adobe site since its opening in the 1950s. The Sanchez Adobe Historical Site Master Plan, completed by County Parks in 2007 with the cooperation of the Historical Association, could be leveraged to allow for a mutually beneficial project that would include a three way partnership between the GGNRA, San Mateo County Parks and the Historical Association. The Sanchez Adobe Master Plan can be viewed at <a href="https://www.eparks.net">www.eparks.net</a>, under Park Planning; Master Plans.

#### 3) <u>Devils Slide</u>

The GMP discusses the need for interagency cooperation to facilitate connections between Pedro Point, Devils Slide (to be acquired by San Mateo County Parks), and San Pedro Mountain. However, there is no detailed discussion about where trailheads, signage, and visitor serving facilities will be located, or a budget to fund those improvements. The County of San Mateo welcomes GGNRA's support to develop the connections to access Devils Slide CA Coastal Trail from GGNRA lands at either end.

#### 4) Access to Sweeney Ridge

Trailhead improvements and better parking accommodations should be studied at the Fassler trailhead, where public access to Sweeney Ridge is far easier and less expensive than the Shelldance Nursery.

#### 5) Corral de Tierra

There is a lack of definition about where proposed trailhead improvements would go, or how many would be provided. The \$980,000 cost estimate for potential trailhead and parking improvements should enable a more detailed definition about how many access improvements will be made, what they will be, and where they will be located.

#### 6) <u>Montara Lighthouse</u>

A multi-agency center is suggested at the Montara Lighthouse Station. We agree with this proposal; however, it will be important to improve access in and out of that location, which is currently very busy on nice weather weekends. San Mateo County Parks is currently working with the Midcoast Park and Recreation Action Plan Committee on a Conceptual Plan for CA Coastal Trail improvements from Princeton-By-The-Sea to Devils Slide. County Planning is also currently completing Phase II of the Highway 1 Safety and Mobility Improvement Project, which covers the Princeton to Devils Slide area. GGNRA has actively participated in the development of both of these sets of plans. The current recommendation for both planning efforts is that the California Coastal Trail will align from

. Mr. Frank Dean, Superintendent, Golden Gate National Recreation Area (GGNRA)

Subject: Draft General Management Plan (GMP)/Environmental Impact Statement (EIS)

ovember 4, 2011

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the south via Vallemar to the Montara lighthouse and then cross to the east side of Highway 1 to access Carlos in Moss Beach and Farralones to access Montara. CA Coastal Trail improvements and a safe crossing of Highway 1 should be anticipated at the Montara Lighthouse location.

#### 7) Phleger Estate

Richards Road serves as the primary access to the Phleger Estate. It closely parallels West Union Creek, Steelhead trout habitat, and is in need of improvement for fire and service vehicle access and to reduce sedimentation. San Mateo County Parks is interested in working with GGNRA to fund and perform improvements to this road which provides access to both the Phleger Estate and Huddart County Park.

#### 8) Woodside Store

There is mention made in the GMP about a possible partnership at the Woodside Store with San Mateo County Parks (the property owner), and the San Mateo County Historical Association. While we are open to discussion about what a partnership might look like there may be limitations to what is possible because parking availability is minimal and the community is not favorably inclined to increases in visitation.

#### 9) Sawyer Camp Trail to Sneath Lane

The GMP references the need for multi-use trail improvements connecting Sawyer Camp Trail to Sneath Lane. Actually, the multi-use trail improvements would be connecting San Andreas Trail, the northern segment of Crystal Springs Trail, to Sneath Lane. Our understanding is that GGNRA received a considerable amount of mitigation funding from PG&E as part of the Jefferson Martin project through the SFPUC Watershed lands for construction of this trail segment, but the budget for the preferred alternative lacked mention of these important trail improvements.

#### 10) <u>Funding Priorities</u>

The County questions the \$3 Million of priority funds to be set aside for the equestrian center at Rancho Corral de Tierra, considering so little capital is to be spent in other GGNRA parklands in San Mateo County to Improve the connections between our respective lands. That the entire \$4.6 Million in priority funding for San Mateo County is reserved for Rancho Corral de Tierra seems narrow in focus. Other possibilities in Pacifica as discussed above, and at the Phleger Estate should be considered as well.

Mr. Frank Dean, Superintendent, Golden Gate National Recreation Area (GGNRA)

Subject: Draft General Management Plan (GMP)/Environmental Impact Statement (EIS)

November 4, 2011

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cc:

Overall, the capital budget is concerning to us. GGNRA proposes \$93,630,000 in priority projects of which GGNRA parklands in San Mateo County receive just \$4,660,000, or only 5%. The combined high and low priority budget is \$154,820,000 of which San Mateo County lands would get \$10,110,000, or just 6.5%.

In summary, we feel further consideration for projects in San Mateo County should be included in your planning. Our residents have been very engaged in your planning process and have high expectations for improved recreational opportunities in the near future. Your consideration in this matter is greatly appreciated

Very truly yours,

James C. Porter Director of Public Works

JCP:sdd F:\users\admin\Parks Division\2011\GGNRA Letter Draft Mgmt Plan.doc

Dave Holland, Deputy County Manager
Peggy Jensen, Deputy County Manager
Gary Lockman, Superintendent, Parks
Scott Lombardi, Superintendent, Parks
Sam Herzberg, Senior Planner, Parks
Mitch Postel, San Mateo County Historical Association

#### CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT December 12, 2011

Agenda Item No. 7

#### SUBJECT:

Approval of Contract for City Attorney Services with Burke, Williams and Sorensen LLP and Appointment of City Attorney

#### **ORIGINATED BY:**

City Manager

#### **DISCUSSION:**

As a part of the 2011-12 Budget process the Council determined that a change from an in-house City Attorney to a Contracted City Attorney would result in approximately \$40,000 in savings in 2011-12 and \$240,000 in savings in future years. This change was included in the adopted 2011-12 Budget and was part of the \$1,500,000 in reductions made in the Budget.

In order to develop a Request for Proposals (RFP) to be issued to legal firms interested in the providing the service, the Council named a subcommittee composed of Mayor Nihart and Councilmember Vreeland to work on the RFP with the City Manager. The RFP was approved by the Council on September 12, 2011 and was issued shortly thereafter. The City received responses from four legal firms interested in providing the service.

After receipt of the proposals the subcommittee reviewed the material and directed the City Manager to pursue further research and bring back information to the subcommittee. Based on the proposals and research by the City Manager the subcommittee determined that the proposal from Burke, Williams and Sorensen LLP (BWS) best met the needs of the City.

The attached contract has been negotiated with BWS for City Attorney services to the City of Pacifica. The contract provides a basic service cost at \$230 per hour with a not to exceed amount for basic services of \$240,000. The contract designates Michelle Marchetta Kenyon as City Attorney.

#### FISCAL IMPACT:

Funds for this contract have been budgeted in the City Attorney section of the General Fund budget.

Staff report on City Attorney contract December 12, 2011 Page 2 of 2

#### **ATTACHMENTS:**

Resolution Approving Contract for City Attorney Services with Burke, Williams & Sorensen, LLP and Designating Michelle Marchetta Kenyon as City Attorney

Agreement for City Attorney Services

#### **COUNCIL ACTION REQUESTED:**

Approval of Resolution Approving Contract for City Attorney Services with Burke, Williams & Sorensen, LLP and Designating Michelle Marchetta Kenyon as City Attorney.

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA APPROVING CITY ATTORNEY SERVICES AGREEMENT BETWEEN THE CITY OF PACIFICA AND BURKE, WILLIAMS & SORENSEN, LLP AND DESIGNATING MICHELLE MARCHETTA KENYON AS CITY ATTORNEY

WHEREAS, the firm of Burke, Williams & Sorensen, LLP ("Burke") has been providing Interim City Attorney services to the City of Pacifica ("City"); and

**WHEREAS**, the City desired to appoint a contract City Attorney and solicited Requests for Proposals from law firms to provide contract City Attorney services; and

WHEREAS, the City reviewed all proposals and determined that Burke's proposal most closely met the City's needs for contract City Attorney services; and

**WHEREAS**, the City and Burke desire to enter into an agreement to provide contract City Attorney services to the City.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the City Council that the Mayor is hereby authorized to enter into the Agreement for City Attorney Services between the City of Pacifica and Burke, Williams & Sorensen, LLP to be effective January 1, 2012 in the form attached hereto and incorporated herein as **Exhibit A**.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council that Michelle Marchetta Kenyon is hereby designated to be the City Attorney for the City of Pacifica.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 12th day of December 2011 by the following vote:

AYES: NOES: ABSENT: ABSTAIN:	
	CITY OF PACIFICA
	By: Mary Ann Nihart Mayor
ATTEST:	
Kathy O'Connell City Clerk	

#### AGREEMENT FOR CITY ATTORNEY SERVICES

THIS AGREEMENT, dated January 1, 2012, is made and entered into by and between the City of Pacifica, a municipal corporation ("City"), and Burke, Williams & Sorensen, LLP ("Burke").

#### RECITALS

WHEREAS. Burke has served as the Interim City Attorney for the City; and

WHEREAS, the City desires to hire Burke to provide contract City Attorney services; and

WHEREAS, it is the desire of the parties to enter into this Agreement to establish the terms and conditions for rendition of City Attorney and special counsel services to the City.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

#### 1. Legal Services

Burke's duties shall be that of City Attorney, as described generally in California Government Code §§ 41801-41805, and Burke shall perform any and all basic City Attorney duties and functions entrusted to it by the City including, without limitation, attendance at meetings of the City Council and other City bodies as requested, rendition of legal advice on City matters to City staff, preparation of ordinances, resolutions, contracts, and other legal documents pertaining to City affairs, preparation of opinions regarding City matters as requested by appropriate City officials, and general municipal advice to all departments of the City. Burke shall also provide special counsel services such as personnel, redevelopment, construction law and representation of the City in all matters of litigation involving the City unless upon consultation with Burke the City Council authorizes retention of separate litigation counsel. Michelle Marchetta Kenyon shall be designated the City Attorney and she will be the coordinator of services provided to the City with other attorneys of the firm as necessary.

City and its members recognize that the firm of Burke provides legal representation to public entities throughout California. Legal services will not include matters in which Burke has a conflict of interest that precludes Burke from representing City, members of the City Council, or officers or employees of City. If Burke has a conflict of interest or lacks expertise to handle a particular assignment, Burke shall provide the City with a recommendation to hire outside counsel. City also agrees to exercise reasonable discretion in providing waivers for any potential or perceived conflicts that might arise out of representation of Burke's other clients, which representation does not directly involve Burke's representation of City.

#### 2. Compensation

In consideration for the rendition of legal services, beginning January 1, 2012, City shall compensate Burke as follows:

For basic City Attorney services which shall include attendance at two City Council meetings per month, limited office hours, rendition of routine legal advice, preparation of ordinances, resolutions, contracts and other standard legal documents, and preparation of formal written opinions, legal advice provided to enterprise funds, real estate matters, and redevelopment ("Basic City Attorney Services"), City shall pay to Burke on an hourly basis \$230 per hour for Basic City Attorney Services. However, in no event shall the costs for Basic City Attorney Services exceed \$240,000.00 per year. City and Burke agree that in the event certain Basic City Attorney Services are deemed to be extraordinary by the City Manager, such services may exceed the \$240,000 cap on Basic City Attorney Services. The hourly rate for Basic City Attorney Services shall be increased annually on January 1 in an amount equal to the Consumer Price Index increase for the Metropolitan San Francisco Bay Area.

For other additional services rendered in connection with legal advice provided on non-routine personnel matters, specialized construction/public contract advice, preparation, prosecution and defense of litigation and/or adjudicative or investigative proceedings, City shall be billed by Burke at the standard hourly public agency rate established by and as changed from time to time by Burke. For cost recovery matters for which the City receives reimbursement, City shall be billed by Burke at the standard hourly rates established by and as changed from time to time by Burke. Prior to instituting any such rate increase, Burke agrees to provide City Manager with prior notice of any rate increase.

#### 3. Monthly Billings; Expense Reimbursements

Burke shall bill the City on a monthly basis. Each bill shall indicate the date of the work done, the work that was accomplished, the attorney or paralegal that performed the work, and the fee for the work. To each bill, Burke shall add an administrative charge of 4% of legal fees in lieu of separately itemizing general overhead costs, which are generally chargeable to a client, including long distance telephone service, facsimile charges, regular postage, and routine copying of documents. Burke shall regularly monitor its actual administrative expenses to ensure that the administrative charge is a fair and reasonable approximation of actual expenses.

The following out-of-pocket expenses will be separately itemized and included in bills to the City: (1) extraordinary operating expenses, including items such as messenger services, overnight mail charges, extraordinary copying, and computer-assisted research; (2) necessary travel and subsistence expenses for matters other than Basic City Attorney Services; (3) court costs, including filing fees, witness fees, and deposition and discovery costs not paid directly by the City.

The City shall review and approve Burke's monthly statements and pay Burke for services rendered and expenses incurred at the rates and in the amounts provided in this Agreement on a monthly basis in accordance with the approved monthly statements.

#### 4. Amendment; Annual Review

This Agreement may be amended from time to time by written agreement of the parties. The City and Burke agree that there shall be an annual review of the provisions contained in this Agreement to ensure that its terms and conditions are mutually satisfactory to both parties. The

parties also agree that the City Council shall conduct an annual performance review of the position of City Attorney prior to December 31 of each year.

#### 5. Termination

This Agreement may be terminated by City at any time upon written notice to Burke and by Burke upon sixty (60) days written notice to City. In the event of termination, City shall be responsible only for fees and costs incurred as of the effective date of the termination.

#### 6. Professional Liability Coverage

During the term of this Agreement, Burke shall at all times maintain insurance coverage for professional liability. A copy of the policy shall be provided to the City upon request.

#### 7. Indemnification

Burke agrees to defend, indemnify and hold the City harmless from and against claims or liabilities arising out of the negligent errors or omissions of Burke discharging its obligations under this Agreement, excluding claims or liabilities arising out of the City's active negligence or wrongful conduct.

#### 8. Ownership Of Records; Retention Of Records

Upon termination of this contract, all reports, plans, documents, records, and data or certified copies of same prepared by Burke pursuant to this Agreement shall become the property of City, excluding Burke's internal accounting records and other documents not reasonably necessary to City's representation, subject to Burke's right to make copies of any files withdrawn by City. Once a matter is concluded, Burke will close the file, and City will receive notice of any City materials that remain in Burke's possession. City will be invited to retrieve these City materials within 45 days of notice, or City may direct Burke to forward the City materials to City, at City's expense. If within 45 days of this notice City fails to retrieve the City materials or request Burke to forward them, City authorizes Burke to destroy the City materials. After the 45-day period, Burke will, consistent with all applicable rules of professional conduct, use its discretion as to the retention or destruction of all attorney work product and any City materials that remain with Burke. Under Burke's document retention policy, Burke normally destroys files five (5) years after a matter is closed, unless other arrangements are made with City. All City-supplied materials and all attorney end product (referred to generally as "City material") are the property of City. Attorney end product includes, for example, finalized contracts, pleadings, and trust documents. Attorney work product is the property of Burke. Attorney work product includes, for example, drafts, notes, internal memoranda and electronic files, and attorney representation and administration materials, including attorney-City correspondence and conflicts materials.

CITY OF PACIFICA	BURKE, WILLIAMS & SORENSEN, LLP
By:	By:
Mary Ann Nihart	Michelle Marchetta Kenyon
Mayor	Partner

IN WITNESS WHEREOF, the parties hereby execute this Agreement as of the date first above written.

#### CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT

December 12, 2011

Agenda Item No. 8

#### SUBJECT:

Appointments to be Considered by the City Selection Committee and by the San Mateo County Council of Cities

#### ORIGINATED BY:

City Clerk's Office

#### DISCUSSION:

The City Selection Committee will meet on December 16, 2011 and one of their responsibilities is to make appointments to certain regional boards. Attached are the letters of interests from those seeking appointment or reappointment to various committees and commissions.

#### FISCAL IMPACT:

None.

#### ATTACHMENTS:

Letters of Interest

#### COUNCIL ACTION REQUIRED:

Staff recommends that the City Council give direction to the Mayor, as the voting member on the City Selection Committee or the Councilmember holding the Mayor's proxy regarding the appointments at the December 16, 2011 City Selection Committee meeting and San Mateo County Council of Cities.