

# CITY OF PACIFICA CITY COUNCIL AGENDA

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

CITY COUNCIL CHAMBERS  
2212 BEACH BOULEVARD  
PACIFICA, CALIFORNIA 94044

**October 25, 2010**

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

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## Call to Order – Open Meeting

5:30 P.M.

### CLOSED SESSION ITEM:

1. PURSUANT TO GOVERNMENT CODE SECTION 94956.9(a) Conference with legal counsel, pending litigation. In the matter of City of Pacifica, California Regional Water Quality Control Board, San Francisco Bay Region Complaint No. R2-2009-0075; and Our Children's Earth v. City of Pacifica, U.S. District Court, Case No. CV-08-5201 EMC.
2. PURSUANT TO GOVERNMENT CODE SECTION 54957.6 Conference with labor negotiator: Agency negotiator: Ann Ritzma. Employee organization: Fire Fighters Local 2400; Teamsters Local 856 Battalion Chiefs: Pacifica Police Officers Association; Pacifica Police Supervisors Association; Police Management Teamsters Local 350.
3. PURSUANT TO GOVERNMENT CODE SECTION 94956.9(a) Conference with legal counsel, pending litigation. In the matter of Teamsters Local 350 v. City of Pacifica, San Mateo County Superior Court Case No. 499695.
4. PURSUANT TO GOVERNMENT CODE SECTION 94956.9(a) Conference with legal counsel, pending litigation. State Board of Equalization Appeal Hearings, Case IDs 490742 et al.

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

### RECONVENE TO OPEN SESSION

7:00 p.m.

Call to Order  
Roll Call  
Salute to the Flag led by Mayor pro Tem Nihart  
Commission Liaisons:  
Closed Session Report:

### CONSENT CALENDAR

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

1. Approval of Disbursements dated 09/29/10 to 10/08/10 in the amount of \$516,822.67. Regular and quick checks numbered 81910 to 81911, 10832 to 10855 and 10857 to 10980; disbursements dated 09/29/10 to 10/07/10 in the amount of \$55,935.50 Regular and quick checks numbered 81908, 10830, 10831 and 10856 (**Proposed action:** approve)
2. Approval of Minutes of Regular City Council Meeting of October 11, 2010 (**Proposed action:** approve)
3. Approval of Contract with WRA Environmental Consultants for Environmental Review Services in Connection with the Proposed Project of a 96 Unit Assisted Living Facility at 721 Oddstad Boulevard (**Proposed action:** move that the City Council approve the attached contract with WRA Environmental Consultants for environmental review services in connection with the proposed development of 96 units in an assisted living facility at 721 Oddstad Blvd. (APN 023-593-160), subject to legal changes as may be required by the City Attorney, authorize the City Manager to execute the document and approve necessary budget authority)
4. Confirm Continuation of Recycled Water Agreement with Water District and Authorize City Attorney to Sign Letter (**Proposed action:** authorize the City Attorney to send a letter confirming that the City has not exercised its termination rights and will not undertake any steps to do so prior to March 31, 2011, and that if the Water District has entered into an agreement for SRF loan funds by March 31, 2011, the Water District will have satisfied Article III, Section 1 of the 2003 Cooperative Agreement. If the Water District fails to enter into an agreement for the SRF loan funds by March 31, 2011 the parties shall meet in good faith to discuss the continued feasibility of the project)
5. Award of Contract to Universal Building Services (UBS) for Professional Janitorial Services for the Sanchez and Hilton Library Facilities in the Amount of \$12,036 Annually. [Money Previously Budgeted in Account No. 01.700770.55130.0000.000] (**Proposed action:** authorize the award of contract to Universal Building Services for professional janitorial service for the Hilton and Sanchez Library facilities. Should this contractor not complete the contract award requirements, authorize award to the second apparent low bidder; authorize the City Manager to execute all necessary documents associated with the award of contract)

### SPECIAL PRESENTATION

- ❖ Responsible Alcohol Merchant Awards – Mary Bier

### 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.

None.

### 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

6. Update on Dispatch Consolidation Project and Request for \$20,000 to Assist in the Analysis of a Possible Facility (\$15,000) and Legal Expenses for Development of a Preliminary Exploration of Governance Issues (\$5,000) [Fund 7, Supplemental Law Enforcement Services, 07.860000.52800.0217.000](**Proposed action:** authorize the City Manager to enter into an agreement with the City of Daly City in their capacity as fiscal agent for the exploratory phases of the dispatch consolidation (for the purpose of contracting and invoicing). Approve the request for \$20,000 and approve the expenditure from the Police Department, Fund 7, Supplemental Law Enforcement Services, 07.860000.52800.0217.000)
7. Consideration of a Citywide Moratorium Temporarily Prohibiting New Payday Lenders Pending Further Study (**Proposed action:** direction to staff)

## **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](http://www.cityofpacifica.org)); at the website, scroll down to find the Link.*

### **HOW TO OBTAIN CITY COUNCIL AGENDAS**

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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:**

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#### **Council meetings:**

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

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

- Governor Arnold Schwarzenegger, State Capitol Building, Sacramento CA 95814 (916) 445-2841
- State Senator Leland Yee, 400 So. El Camino Real, Ste. 630, San Mateo, CA 94402 (650) 340-8840
- Assemblymember Jerry Hill, 1528 So. El Camino Real, Ste 302, San Mateo CA 94402 (650) 341-4319
- Congresswoman Jackie Speier, 400 So. El Camino Real, Ste 750 San Mateo CA 94402 (650) 342-0300
- Senator Barbara Boxer, 1700 Montgomery Street, Ste 240, San Francisco CA 94111 (415) 403-0100
- Senator Dianne Feinstein, #1 Post Street, Ste 2450, San Francisco CA 94104 (415) 393-0710
- President Barack Obama, 1600 Pennsylvania Ave. NW, Washington DC 20500 (202) 456-1111

**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
October 25, 2010**

AGENDA ITEM NO. 3

**SUBJECT:**

Approval of contract with WRA Environmental Consultants for environmental review services in connection with the proposed project of a 96 unit assisted living facility at 721 Oddstad Boulevard.

**ORIGINATED BY:**

Planning and Economic Development Department

**DISCUSSION:**

The City has received an application from WDM Marketing Consultants LLC to construct a 96 unit assisted living facility at 721 Oddstad Boulevard. A plant nursery formerly occupied the site but it has been vacant for several years. Preparation of an Environmental Impact Report is necessary, in part, because the subject site is bounded on two sides by San Pedro Creek. Staff solicited proposals from several environmental firms and received three responses. After reviewing the proposals, staff and the applicant agreed to select WRA Environmental Consultants to provide environmental review services for the project because their proposal was the most comprehensive, timely and cost effective in comparison to the other two responses received.

**FISCAL IMPACT:**

None. All costs will be borne by the owner.

**ATTACHMENTS:**

- A. Proposed Contract with WRA Environmental Consultants Including Exhibits

**COUNCIL ACTION REQUESTED:**

Move that the City Council **APPROVE** the attached contract with WRA Environmental Consultants for environmental review services in connection with the proposed development of 96 units in an assisted living facility at 721 Oddstad Boulevard (APN 023-593-160), subject to legal changes as may be required by the City Attorney, authorize the City Manager to execute the document and approve necessary budget authority.

CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
October 25, 2010

Agenda Item No. 4

**SUBJECT:**

Confirm continuation of recycled water agreement with Water District and authorize City Attorney to sign letter

**ORIGINATED BY:**

City Manager  
City Attorney

**DISCUSSION:**

The City owns the Calera Recycling Plant, which is capable of providing recycled water. The City and North Coast County Water District ("Water District") spent several years discussing plans for the overall distribution of recycled water.

In May, 2003, the City and Water District entered into an agreement titled "Cooperative Agreement Between the City of Pacifica and the North Coast County Water District Regarding Recycled Water" ("Cooperative Agreement").

At that time, the City was constructing a pedestrian path between Rockaway Beach and Pacifica State Beach. Pursuant to the Cooperative agreement, the City and Water District coordinated their efforts to install a pipeline for recycled water as part of the construction and the Water District paid the City \$90,000 for this purpose.

Further, as part of the Cooperative Agreement, the City agreed to provide recycled water from the plant to the Water District for the District to receive, distribute and sell the water to District customers, including the golf course, Caltrans, and the City, for irrigation of the golf course, schools, Caltrans landscaping, and other landscaping.

Section I(C)(1) states that "City and District shall work cooperatively to obtain funds, grants, permits and approvals necessary or desirable to implement the use of recycled water for landscape irrigation within District boundaries, and to apply grants and funding received toward implementation of the Overall Recycling Plan."

Section III(1) states that "If funding for construction of the Overall Water Recycling Plan has not been secured by January 1, 2005, either party after the good faith discussions may terminate this Agreement upon three (3) months written notice to the other party."

According to Patrick Miyaki, counsel for the Water District, the NCCWD and SFPUC agreed that they would fund the capital costs to construct the project based on the percentage of recycled water to be used by each agency, as offset by any grant funds received by the project. Mr. Miyake states that the Water District is on the eve of obtaining approval from the State Water Resources Control Board ("SWRCB") for a State Revolving Fund loan in the amount of \$6.8 million for the construction of the

Recycled Water Project. The SWRCB staff recently raised a question with respect to Section III(1), and desires written confirmation that neither party may terminate the Cooperative Agreement before the SWRCB approves the loan.

Mr. Miyaki says that the Water Board has obtained a \$2.2 million American Recovery and Reinvestment Act grant for the project. The time line for expending that grant requires that the Water Board award the construction contracts by early November, 2010 and the Water Board will not be able to do so until the SRF loan funds have been obtained. Prior to recommending approval of the SRF loan, SWRCB staff is looking for the written confirmation from the City as discussed above. Mr. Miyaki has confirmed that the SRF loan is the last step to completion of the Project funding.

The Cooperative Agreement does not define the term "secure funding". Rather than debating the interpretation of the provision, staff suggests that the Council agree that it will refrain from undertaking any steps to terminate the Cooperative Agreement until March, 2011. In effect, this simply extends the existing clause to that date and does not substantively change its meaning.

Staff recommends that the Council confirm that the City has not taken steps to terminate the Cooperative Agreement pursuant to Section III(1), and that the Council shall commit to refraining from exploring any such option at least until March 31, 2011. Staff also suggests that the Council authorize staff to confirm that if the Water District has entered into an agreement for SRF loans by that date, the Water District will have complied with Article III, Section 1, and that if the Water District fails to do so by that date, the City and Water District shall meet to discuss the continued viability of the Project.

SWRCB staff has indicated that it will accept a letter from the City Attorney containing the language set forth below.

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

October 13, 2010 Letter From Patrick Miyaki on behalf of Water District

**COUNCIL ACTION REQUESTED:**

Authorize the City Attorney to send a letter confirming that the City has not exercised its termination rights and will not undertake any steps to do so prior to March 31, 2011, and that if the Water District has entered into an agreement for SRF loan funds by March 31, 2011, the Water District will have satisfied Article III, Section 1 of the 2003 Cooperative Agreement. If the Water District fails to enter into an agreement for the SRF loan funds by March 31, 2011, the parties shall meet in good faith to discuss the continued feasibility of the Project.

CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
October 25, 2010

Agenda Item No. 5

**SUBJECT:**

Award of Contact to Universal Building Services (UBS) for professional janitorial services for the Sanchez and Hilton library facilities in the amount of \$12,036 annually. Money previously budgeted in Account No. 01.700770.55130.0000.000.

**ORIGINATED BY:**

Field Services Division  
Department of Public Works

**DISCUSSION:**

The Department of Public Works intends to obtain professional janitorial services for the Sanchez and Hilton library facilities. The service will be for three times each week, for a period of two years. Public Works issued a Request for Proposals (RFP) on September 9, 2010, and five companies responded by the September 20, 2010 deadline. The result of the RFP is as follows:

- |                                  |               |
|----------------------------------|---------------|
| 1) Universal Building Services   | \$12,036/year |
| 2) Vanguard Cleaning Services    | \$12,960/year |
| 3) Pepper Brothers Services      | \$21,600/year |
| 4) The Cleaning Company          | \$27,000/year |
| 5) Integrated Cleaning Solutions | \$29,580/year |

The apparent low bidder is Universal Building Services with an annual amount of \$12,036 for a two year contract.

**FISCAL IMPACT:**

Fiscal impact will be in the amount of \$12,036 from account 01.700770.55130.0000.000 of the Building Maintenance Contractual Account. No additional budget authority is required at this time as enough money has been previously budgeted in the said account with the adoption of the FY 10-11 budget.

**ATTACHMENTS:**

Professional Janitorial Services agreement between the City of Pacifica and Universal Building Services for the Sanchez and Hilton Library facilities.

**COUNCIL ACTION REQUESTED:**

Authorize the award of contract to Universal Buildings Services for professional janitorial service for the Hilton and Sanchez Library facilities. Should this contractor not complete the contract award requirements, authorize award to the second apparent low bidder; authorize the City Manager to execute all necessary documents associated with the award of contract.



CITY OF PAFICICA  
COUNCIL AGENDA SUMMARY REPORT  
October 25, 2010

Agenda Item No. 6

SUBJECT:

Update on dispatch consolidation project and request for \$20,000 to assist in the analysis of a possible facility (\$15,000) and legal expenses for development preliminary exploration of governance issues (\$5,000). [Fund 7, Supplemental Law Enforcement Services, 07.860000.52800.0217.000]

ORIGINATED BY:

Police Department

DISCUSSION:

In September of 2010, staff made a presentation to the City Council on the status of preliminary discussions between Northern San Mateo cities regarding the possibility of consolidating dispatch services. The police personnel of Daly City, South San Francisco and Pacifica have been exploring options over the past year. At the time of the presentation there were several options for the location of a shared dispatch center, however the committee was very interested in a building just north of Daly City's City Hall. The building is owned by the city of Daly City. The city of Daly City's Public Works Department and the dispatch consolidation committee are ready to proceed with an RFP to have the potential building site analyzed for a seismic safety level and possible configurations for a dispatch center. At this time, each participating city is requesting \$15,000 for establishing the necessary funds for building analysis. Staff is requesting the City Council authorize the City Manager to enter into an agreement with the City of Daly in their capacity as fiscal agent for the exploratory phases of the dispatch consolidation (for the purposes of contracting and invoicing).

Additionally, the dispatch consolidation committee has also met with an individual that set up a similar dispatch center in Santa Cruz. The Santa Cruz staff suggested that an early step in exploring consolidated dispatch is establishing governance issues. In order to complete this task, staff is requesting \$5,000 in funding for legal assistance to analyze possible governance structures. Staff will return with further recommendations regarding the feasibility and possible structure of any JPA, and at that time there may be additional costs associated with the JPA as the complexities of the various aspects of the JPA are studied.

In order to complete this work on the building and the structure of a JPA, the committee is asking each city to contribute \$20,000 for a total of \$60,000.

FINANCIAL IMPACT:

Expenditure of \$20,000 from the Police Department, Fund 7, Supplemental Law Enforcement Services, 07.860000.52800.0217.000

ATTACHMENTS:

None

COUNCIL ACTION REQUESTED:

Authorize the City Manager to enter into an agreement with the City of Daly in their capacity as fiscal agent for the exploratory phases of the dispatch consolidation (for the purposes of contracting and invoicing). Approved the request for \$20,000 and approved the expenditure from the Police Department, Fund 7, Supplemental Law Enforcement Services, 07.860000.52800.0217.000.

**CITY OF PACIFICA  
CITY COUNCIL  
AGENDA SUMMARY REPORT  
October 25, 2010**

Agenda Item No. 7

**SUBJECT:**

Consideration of a citywide moratorium temporarily prohibiting new payday lenders pending further study

**ORIGINATED BY:**

Planning and Economic Development Department

**DISCUSSION:**

The City was recently approached with a request to limit the density of Payday Lenders in Pacifica.

According to information provided by Insight, Center for Community Development, Payday lenders make short-term loans to customers, usually in advance of a paycheck. At the end of the initial loan period, most customers end up taking out another loan, which also has a fee. Nationally, the average payday loan customer uses 11 loans per year. The maximum value of a payday loan transaction in California is \$300 and the maximum fee is \$45. This means that customers typically pay \$45 for a \$255 loan. Since most payday loans are for two weeks, the effective annual rate is 459%.

While payday lenders provide a lending service that is quick and accessible to many people who would not otherwise be able to obtain a loan, there are issues that make them predatory: very high interest rates and that most customers are encouraged to renew the loan, with loan fees repeating each time. Studies have shown that repeated use of payday loans can push low-income households toward economic instability and bankruptcy.

In California it is estimated that each year 12.7 percent of households take out one or more loans with a payday lender. If this same rate is maintained in San Mateo it would mean that 32,000 households utilize payday lending. Even if the rate in San Mateo is only half that of the state, it would still mean that about 16,000 households are using payday lending.

Payday lenders are required to be licensed by the state of California. The state database listed 26 unduplicated payday lender locations in San Mateo County in 2008. Three of those payday lenders were in Pacifica (Fairmont Shopping Center, Ramallah Plaza and Linda Mar Center) with four more in the nearby city of Daly City and three in San Bruno. Pacifica had the highest per capita rate of payday lenders in the county, 0.79 per 10,000 people, and one of the highest rates in the San Francisco Bay Area. Pacifica also had the highest ratio of payday lenders to

banks and credit unions: 3 to 5, that is, three payday lenders compared to five bank branches. San Bruno also had a 3 to 5 ratio.

Staff is requesting direction from the Council. The Council may wish to adopt an interim ordinance to study this issue. Payday lenders are currently permitted in the C-1, Neighborhood Commercial District, C-2, Community Commercial District, C-R, Commercial Recreational District, and as a conditional use in the C-3, Service Commercial District. Other options would be to require a use permit in all districts or to impose distance or density limitations.

Pursuant to California Government Code section 65858, cities may enact interim ordinances prohibiting uses that would conflict with contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or planning department is considering or studying or intends to study within a reasonable time. The City Council may adopt the interim ordinance as an urgency measure with a four-fifths vote without publishing notice other than Brown Act notice and without a public hearing. The interim ordinance would remain in effect for 45 days from its adoption. Then, after public notice and a hearing, the City Council may extend the interim ordinance for ten months and 15 days, and subsequently extend it for one year.

Alternatively, the City Council may adopt an interim ordinance by a four-fifths vote following published notice and a public hearing, and the ordinance would remain in effect for 45 days from its adoption. After further notice and another public hearing, the City Council may be a four-fifths vote extend the interim ordinance for 22 months and 15 days.

The City Council is also required to make the findings of necessity set forth in Section 65858 of the Government Code for the interim ordinance.

The benefit of a moratorium is that it acts to temporarily prevent a new company from setting up businesses for a short period of time to allow the City time to study the available options. If the Council decides to pursue a moratorium, staff can either return at the next meeting with an urgency ordinance or schedule a public hearing.

**FISCAL IMPACTS:**

None

**ATTACHMENTS:** (City Council Only)

None

**COUNCIL ACTION REQUESTED:**

Give staff direction.