CITY OF PACIFICA CITY COUNCIL AGENDA

MAYOR SUE DIGRE
MAYOR PRO TEM PETE DEJARNATT
COUNCILMEMBER CALVIN HINTON
COUNCILMEMBER JAMES VREELAND
COUNCILMEMBER JULIE LANCELLE

CITY COUNCIL CHAMBERS 2212 BEACH BOULEVARD PACIFICA, CALIFORNIA 94044

June 12, 2006

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5:45 P.M. CLOSED SESSION

1. In accordance with Government Code Section 54957.6. Conference with Labor Negotiator. Agency Negotiator: Ann Ritzma. Employee Organization: Pacifica Police Supervisors Association.

7:00 p.m. REGULAR COUNCIL MEETING

Call to Order
Roll Call
Salute to the Flag led by Mayor pro Tem DeJarnatt
Commission Liaisons: Planning Commissioner Chris Ranken
Chamber of Commerce Liaison: None
Closed Session Report

CONSENT CALENDAR

In a single motion, the City Council will consider and act upon Items 1 through 7.

- 1. Approval of disbursements
 - (a) dated 05/02/06, 05/09/06, 05/10/06 and 05/12/06 in the amount of \$600,837.55, regular and quick checks numbered 81461-81465 and 111629-111797 (**Proposed action**: approve disbursements)
 (b) dated 05/15/06, 05/25/06 and 05/26/06 in the amount of \$1,000,788.44, regular and quick checks numbered 81466-81467 and 111798-111979 (**Proposed action**: approve disbursements)
- 2. Approval of Minutes of regular City Council meeting of May 22, 2006 (**Proposed action:** approve Minutes)
- 3. Continuation of Local Emergency Status and Authorization of Immediate Expenditure of Public Money to Safeguard Life, Health or Property (**Proposed action**: 1) continue the Proclamation for Local Emergency dated January 5, 2006, and the Proclamation Confirming Existence of Local Emergency ratified by Council on January 9, 2006; 2) continue Resolution No. 05-2006; 3) direct the City Manager to return with a status update at the next City Council meeting)
- 4. Continuation of Local Emergency Status and Authorization of Immediate Expenditure of Public Money to Safeguard Life, Health or Property (**Proposed action**: 1) continue the proclamation confirming existence of local emergency dated April 17, 2006 and the proclamation confirming existence of local emergency ratified by Council on April 24, 2006; 2) Continue Resolution No. 16-2006; 3) direct the City Manager to return with a status update at the next City Council meeting)

- 5. Review of the City of Pacifica's Conflict of Interest Code (**Proposed action**: move to direct the City Manager to review the City of Pacifica's Conflict of Interest Code and prepare recommendations to update the code, if necessary)
- 6. Adopt Resolution Recommending That the San Mateo County Flood Control District Impose the Basic and Additional Charges for Funding the Expanded Scope of Work for the 2006/2007 Countywide National Pollution Discharge Elimination System (NPDES) general program as well as the Specific Program Charges for the City of Pacifica (**Proposed action**: move to adopt the resolution next in order recommending that the San Mateo County Flood Control District impose the basic and additional charges for funding the expanded scope of work for the 2006/2007 countywide National Pollutant Discharge Elimination System (NPDES) General Program as well as the specific program charges for the City of Pacifica)
- 7. Authorize City Manager to Proceed with the Grant Application Process, Rezoning Process, Local Coastal Permit Process and Amendment to the Local Coastal Plan for the Esplanade 400 Block Bluff Top Park and Trail (**Proposed action**: authorize the City Manager to direct staff to conduct any necessary environmental review, apply for grants, begin the General Plan/Local Coastal Development Permit, to be consistent with change of use for the 400 block of Esplanade)

SPECIAL PRESENTATION

- ❖ Proclamation Wildfire Awareness Month
- Proclamation World Elder Abuse Awareness
- Proclamation Amateur Radio Week
- Sanchez Garden Plan Livability Project Melissa Moss

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. Each councilmember is allotted three minutes.

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. A maximum time of three minutes will be allowed for any speaker.

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.

- 8. Public Hearing to Consider Appeal of Planning Commission Approval of Coastal Development Permit, CDP-265-06, Sign Permit, S-99-06 and PE-135-05 to Construct Improvements Including a New Swimming Pool at the Lands End Apartments Located at 100 Esplanade (**Proposed action:** move that the City Council DENY the appeal and uphold the Planning Commission approval of the project, based on the conditions and findings contained in the April 17, 2006 staff report, and incorporate all maps and testimony into the record by reference)
- 9. A Resolution of the City Council of the City of Pacifica Adopting the 2006-2011 Capital Improvement Program of the City of Pacifica (**Proposed action**: adopt the resolution next in order as Resolution of the City Council of the City of Pacifica Adopting the 2006-2011 Capital Improvement Program of the City of Pacifica)
- 10. Public Hearing on Proposed Ordinances Amending Section 6-6.404 and Section 6-6.406 of the Pacifica Municipal Code (Sewer Rates) (**Proposed action**: 1) move that the Ordinance entitled "Ordinance of the City Council of the City of Pacifica Amending Sections 6-6.404 and 6-6.406 of Chapter 6, Title 6, (Sewer Charges)" be read by title only and that further reading be waived; 2) move for introduction of the Ordinance; 3) move for introduction of the Ordinance of the City

June 12, 2006

Council of the City of Pacifica Amending Sections 6-6.404 and 6-6.406 of Chapter 6, Title 6 (Sewer Charges) of the Pacifica Municipal Code and Setting Forth the Urgency Thereof" be read by title only and that further reading be waived; 4) move for introduction of the Ordinance)

CONSIDERATION

11. Approval of Contract with Veraloft Wireless Internet (**Proposed action:** approve agreement and authorize the City Manager to sign the attached contract with Veraloft for the provision of wireless internet service citywide)

ADJOURNMENT

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 90th 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. 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 (<u>www.ci.pacifica.ca.us</u>); at the website, scroll down to find the Link.

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HOW TO REACH YOUR LEGISLATORS

- Governor Arnold Schwarzenegger, State Capitol Building, Sacramento CA 95814 (916) 445-2841
- State Senator Jackie Speier, 400 So. El Camino Real, Ste 630, San Mateo CA 94402 (650) 340-8840
- Assemblymember Gene Mullin, 1528 So. El Camino Real, Ste 302, San Mateo CA 94402 (650) 341-4319
- Congressman Tom Lantos, 400 So. El Camino Real, Ste 410, 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

June 12, 2006

AGENDA ITEM NO. 3

SUBJECT:

Continuation of Local Emergency Status and Authorization of Immediate Expenditure of Public Money to Safeguard Life, Health or Property

ORGINATED BY:

City Manager's Office

DISCUSSION

On January 5, 2006 the City's Director of Emergency Services (City Manager) declared a State of Local Emergency. Council ratified this action on January 9, 2006 and adopted Resolution No. 05-2005 a "Resolution Authorizing Immediate Expenditure of Public Money to Safeguard Life, Health or Property. This allows for repairs to take place without competitive bidding due to the emergency. The Council must review, at least every fourteen days, the need for continuing the local emergency. Due to ongoing risk of debris flows from heavy rains, as well as ongoing difficulties with the leaking sewer force main repair, and the flooded Brighton Pump Station, as well as continuing damage to seawalls, and damage to storm drain outfalls from continued high ocean waves, staff recommends that the Council continue the local emergency. Ocean swells have been over fifteen feet high for a month and recently exceeded twenty-two feet. This sustained big surf is continuing to cause damage to City ocean front facilities. Staff recommends that the Council continue the local emergency. This agenda item seeks Council continuation of the emergency status pending completion of disaster recovery work and expenditures.

As a result of the severe winter weather conditions, the City has experienced floods, land failure, falling trees, failing seawalls and damage to public and private property. Heavy rainfall in Mid December 2005 caused failure of the hillside behind some homes on Big Bend Drive, Pacifica. Immediate vacation of residents from homes in close proximity to slide was required to ensure their safety. The ground, once saturated throughout city is starting to dry out.

The weather has been clear since mid April, however project related issues associated with the disaster are on-going, time consuming and lengthy. Because of the six consecutive weeks of rain, the city has not yet been able to survey the mudslides to determine the full scope of damage.

On February 27, 2006 severe storm conditions and a city-wide power outage resulted in the City Council cancelling the scheduled City Council meeting.

On March 27, 2006 the County opened its Emergency Operations Center due to the extreme storm conditions.

Total rainfall recorded for the City of Pacifica for the month of March 2006 has been 10.6 inches. Total rainfall recorded for the month of April (1-13) is 6.52 inches.

Additionally, rain fall continued through out the end of the month of April and into the first week of May. This rainfall has affected the timeline for repair/reopening of the Devil Slide section of highway one as well as has affected the "known Federal disaster related projects" timeline for fixture/repair completion.

To date the City has incurred the following costs of clean-up and repair:

Force main and Pump Station costs total \$243,525.00 to date. Pipe repairs have been completed. Site repair including paving, sealing, fence repair and landscaping repairs have been completed. The City has entered into a contract with Power Engineering for the excavation and repair to the sewer line, pipe connections and temporary pumping. The City has also entered into a contract with Go-Native Nursery in connection with work cleaning and replanting for the Sharp Park Force main.

Clean-up of Various Sites is \$32,627.00 total.

Approximately \$195,000.00 for road repairs since the storms in Mid December 2005.

Big Bend Clean-up of Land Slide approximately \$115,000.00. The City has entered into a contract with Cotton, Shires and Associates for geotechnical work and with Go-Native for clearing and brush removal. The geotechnical investigation is continuing with additional soil investigation. (No cost change since previous report)

An additional \$5,000.00 for Landslide investigations at various sites throughout the city. This brings the total cost for land slide investigation at various sites throughout the city for this disaster to \$25,000.00

ATTACHMENTS:

FEMA Declaration of Disaster – 1628 DR

COUNCIL ACTION REQUESTED:

- 1) Continue the Proclamation for Local Emergency dated January 5, 2006 and the Proclamation Confirming Existence of Local Emergency ratified by Council on January 9, 2006.
- 2) Continue Resolution No. 05-2006.
- 3) Direct the City Manager to return with a status update at the next City Council meeting.

June 12, 2006

AGENDA ITEM NO. 4

SUBJECT:

Continuation of Local Emergency Status and Authorization of Immediate Expenditure of Public Money to Safeguard Life, Health or Property

ORGINATED BY:

City Manager's Office

DISCUSSION

On April 17, 2006 the City's Director of Emergency Services (City Manager) declared a State of Local Emergency. This declaration is due to ongoing conditions of extreme peril to the safety of persons and property which have arisen in the City caused by severe storm conditions in March and April, 2006 and ongoing, including: 33 inches of rainfall which is 160% of the average rainfall for this time of year; unrelenting rains for a six week period and continuing; twelve mudslides totaling a cost of \$2,285,000 to remove debris and repair the sites; and the closure of Route 1. Route 1, which is the only direct traffic artery within the coastal region, from Linda Mar area in Pacifica to the south in Half Moon Bay is closed, due to rockslides, erosion and slippage, that has resulted in damage to the roadway and estimated losses of more than \$20 million to coastal hotels, restaurants and other businesses.

Additionally, rain fall continued through out the end of the month of April and into the first week of May. This rainfall has affected the timeline for repair/reopening of the Devil Slide section of highway one as well as has affected the "known local disaster related projects" timeline for fixture/repair completion.

The Route 1/Devil's slide closure to vehicular and pedestrian traffic due to the above-mentioned unsafe conditions has had a drastic economic impact in Pacifica.

Staff requests that the Council adopt the Resolution waiving bidding and authorizing staff to commence repairs to disaster areas as this emergency situation has created risks to public and private property and the public health, safety and welfare and requires immediate repair and efforts to prevent or mitigate a further emergency.

The Small Business Administration has been in contact with the City of Pacifica and is making itself available to local businesses/merchants two days a week two weeks consecutively in the Parks, Beaches & Recreation Conference Room.

An additional \$10,000.00 for Debris Removal for two new land slides.

An additional \$5,000.00 for Geotechnical Field Work /Reports; bringing the total cost for Field Work /Reports to \$30,000.

ATTACHMENTS:

- 1) Proclamation Confirming Existence of a Local Emergency (Dated April 17, 2006)
- 2) Proclamation Confirming Existence of a Local Emergency ratified by Council on April 24, 2006
- 3) Resolution No. 16-2006
- 4) Newspaper articles

COUNCIL ACTION REQUESTED:

- 1) Continue the Proclamation Confirming Existence of a Local Emergency dated April 17, 006 and the Proclamation Confirming Existence of Local Emergency ratified by Council on April 24, 2006.
- 2) Continue Resolution No. 16-2006
- 3) Direct the City Manager to Return with a status update at the next City Council Meeting

AGENDA ITEM NO. 5

SUBJECT:

Review of the City of Pacifica's Conflict of Interest Code

ORIGINATED BY:

City Manager's Office

DISCUSSION:

The Political Reform Act requires each local agency to adopt a local Conflict of Interest Code and to review that code every two years. 2006 is a mandatory review year for all public agencies to review their Conflict of Interest Codes, file Biennial Notices with the code-reviewing bodies, and update their Conflict of Interest Codes, if necessary.

By law, the City Council, as code reviewing body, must give notice to the City Manager of this duty by July 1, 2006. The City Manager will then have until October 1, 2006 to complete the code review and file a Biennial Notice reflecting the results of this review. If he finds that the City is required to update its Code, the Council will have 90 days after the filing of the Biennial Notice to complete the amendment.

The law requires that the City Council notify the City Manager of the requirement to review the City's Conflict of Interest Code by July 1, 2006 and direct the City Manager to review the City Code. The proposed motion meets this requirement.

FISCAL IMPACT:

None.

ATTACHMENTS:

None

COUNCIL ACTION REQUESTED:

Move to direct the City Manager to review the City of Pacifica's Conflict of Interest Code and prepare recommendations to update the Code, if necessary.

AGENDA ITEM NO. 6

SUBJECT:

Resolution Recommending that the San Mateo County Flood Control District impose the Basic and Additional Charges for Funding the Expanded Scope of Work for the 2006/2007 Countywide National Pollution Discharge Elimination System (NPDES) General Program as well as the Specific Program Charges for the City of Pacifica.

ORIGINATED BY:

Public Works Department

BACKGROUND/DISCUSSION:

The Environmental Protection Agency, under amendments to the 1987 Clean Water Act, imposed regulations that mandate local government to control and reduce the amount of storm water pollution runoff into receiving waters of the United States. Under the authority of the Porter Cologne Water Quality Act, the State Water Resources Control Board has delegated authority to its regional boards to invoke permitting requirements. The permitting programs have been developed to deal with Industrial, Construction and Municipal stormwater requirements.

In July 1991, the San Francisco Bay Regional Water Quality Control Board notified San Mateo County and all incorporated cities of the requirement to submit an NPDES Stormwater Permit application by November 30, 1992. On September 13, 1993 the San Francisco Bay Regional Water Quality Control Board approved the San Mateo County Stormwater Management Plan and was made part of NPDES Waste Discharge Permit CA 0029921 which remained into effect till June 30 of 1998.

The City of Pacifica is obligated under the federal Clean Water Act, 33 U.S.C section 1251 et seq., to obtain a National Pollutant Discharge Elimination System ("NPDES") permit. The City, along with all other cities in the County including the County of San Mateo, is a party to the Joint Powers Agreement Continuing the Establishment of the City/County Association of Governments (C/CAG). C/CAG has the responsibility of implementing the countywide state mandated plans, including the development of a county wide stormwater pollution prevention and control program and the securing of a county wide NPDES Permit.

The General Program encompasses those efforts undertaken for the benefit of all 21 agency copermittees involve with the implementation of the Stormwater Management Plan and adherence to the conditions set forth under the Countywide NPDES Waste Discharge Permit. The basic annual fees will be collected based on the following rates: Single Family Residence \$3.44/APN; Miscellaneous, Agriculture, Vacant and Condominium \$1.72/APN; all other land use a base rate of \$3.44/APN for the first 11,000 square feet plus \$0.32 per 1,000 additional square feet of parcel area.

Council Agenda Summary Report Approval of NPDES Basic, Additional and Specific Program fees June 12, 2006 Page 2

On March 18, 1998 San Mateo County submitted to the San Francisco Bay Regional Water Quality Control Board, for renewal, its Stormwater Management Plan for 1998-2003. After a public hearing the San Francisco Bay Regional Water Quality Control Board finally approved the renewal of the NPDES permit, which went into effect on July 21, 1999. This renewed permit is valid for five years and will expire on July 20, 2004. Since then, the San Francisco Bay Regional Water Quality Control Board has imposed additional requirements on the NPDES General Program beyond those required in the previous NPDES Permit. To meet the expanded requirements of the NPDES General Program, the District has requested all cities to indicate, by resolution, whether they wish to have the District collect the additional charges on their behalf. The money collected will fund the Budget for the FY 2006-07. The additional annual fees will be collected based on the following rates: Single Family Residents \$2.68/APN; Miscellaneous, Agriculture, Vacant and Condominium \$1.34/APN; all other land uses a base rate of \$2.68/APN for the first 11,000 square feet plus \$0.24 per 1,000 additional square feet of parcel area.

On January 23, 2004 San Mateo County submitted to the San Francisco Bay Regional Water Quality Control Board, for renewal, its Stormwater Management Plan for 2004-2009. With the timely submittal of the application for permit renewal the San Francisco Bay Regional Water Quality Control Board has administratively extend the expiration of the current permit until such time as a Public Hearing is held and the application is considered.

The Specific Program for the City of Pacifica encompasses those efforts undertaken by the City of Pacifica at the city level and includes a variety of mandated tasks and reporting requirements. We are recommending Pacifica Specific Program fees remain the same as last year: \$14.00 per parcel for single-family, townhouse, condo and church uses; \$7.00 per parcel for vacant; and \$28.00 per parcel for all other land use. This fee will be collected via the Flood Control District and will appear as a separate line item "LOC STORM DRAIN FEE" below the existing "FED/STATE STORM FEE" line item on County tax bills.

These charges are in the nature of a sewer service charge in that they are intended to fund a federally mandated program the purpose of which is to create waste treatment management planning processes to reduce the amount of pollutants in discharges from property into municipal storm sewer systems which, in turn, discharge into the waters of the United States.

Staff recommends adoption of the resolution next in order recommending that the San Mateo County Flood Control District impose the basic and additional charges for funding the expanded scope of work for the 2006/2007 countywide National Pollutant Discharge Elimination System (NPDES) General Program as well as the specific program charges for the City of Pacifica.

FISCAL IMPACT

Failure to adopt the resolution would mean the City would have to pay for the basic and additional charges to fund the expanded scope of work for the 2006/2007 countywide National Pollution Discharge Elimination System General Program. The City of Pacifica Specific Program fee will also produce an estimated \$175,900 for the Pacifica NPDES Specific Program.

Council Agenda Summary Report Approval of NPDES Basic, Additional and Specific Program fees June 12, 2006 Page 3

DOCUMENTS ATTACHED:

 Resolution of the City Council of the City of Pacifica Recommending that the San Mateo Flood Control District impose the Basic and Additional Charges for Funding the Expanded Scope of Work for the 2006/2007 Countywide National Pollution Discharge Elimination System (NPDES) General Program as well as the Specific Program Charge for the City of Pacifica.

COUNCIL ACTION REQUESTED:

Adopt the resolution next in order recommending that the San Mateo County Flood Control District impose basic and additional charges for funding the expanded scope of work for the 2006/2007 countywide National Pollutant Discharge Elimination System (NPDES) General Program as well as the specific program charges for the City of Pacifica.

June 12, 2006

AGENDA ITEM NO. 7

SUBJECT:

Authorize City Manager to proceed with the Grant Application Process, Rezoning Process, Local Coastal Permit Process and Amendment to the Local Coastal Plan for the Esplanade 400 block Bluff Top Park and Trail.

ORGINATED BY:

Public Works Department

DISCUSSION

Staff is completing the design for the Vertical and Horizontal Trails associated with the RV Park and the 500 Block Park of Esplanade. There is the potential to extend the trail through the 400 block if additional grant funds are obtained; the site is rezoned as a park, the Local Coastal Plan is Amended to show the change of use, and a Local Coastal Permit for the work is approved by the Planning Commission and Ultimately Council.

FISCAL IMPACTS:

None

ATTACHMENTS:

None

COUNCIL ACTION REQUESTED:

Authorize City Manager to direct staff to conduct any necessary environmental review, apply for grants, begin the General Plan/Local Coastal Plan amendment process, initiate rezoning of the property, apply for a Local Coastal Development Permit, to be consistent with change of use for the 400 block of Esplanade

CITY OF PACIFICA

CITY COUNCIL AGENDA SUMMARY REPORT June 12, 2006

AGENDA ITEM NO. 8

SUBJECT:

Public Hearing to consider appeal of Planning Commission approval of Coastal Development Permit, CDP-265-06, Sign Permit, S-99-06 and PE-135-05 to construct improvements including a new swimming pool at the Lands End Apartments located at 100 Esplanade.

PROPOSED ACTION:

Deny Appeal

ORIGINATED BY:

Planning and Economic Development Department

DISCUSSION:

Background: The Lands End Apartments were built approximately 30 years ago and currently 260 apartment units are available for rent. Eleven separate buildings exist within the apartment complex, including the clubhouse, which is located on both sides of Esplanade. On February 4, 2004, the City Council approved a pathway to replace an existing portion of stairway that provided public access to the beach. A walkway from Esplanade across the bluff in front of the Lands End Apartments and down the hillside via a stairway has provided public access to the beach for any interested visitors since the apartment was first built in the 1970's. A previous owner requested and received approval of a Coastal Development Permit to convert the lower portion of the stairway into a pathway in order to better maintain public access to the beach. The pathway has been in place for more than a year. The current property owner has maintained the pathway as needed.

Planning Commission Review — On April 17, 2006, the Planning Commission reviewed the applicant's proposal to construct a swimming pool, to enlarge the clubhouse and office space, and to replace the freestanding signs for the apartment complex. Two members of the public spoke in opposition to the proposed swimming pool citing concerns relating to potential drainage and erosion issues, particularly due to the pools location on a bluff near the ocean. Staff had included a geotechnical report from the applicant and comments from the Coastal Commission's geologist that concluded a swimming pool could be built at this location with the proper controls to ensure geologic stability. Thus, the Planning Commission voted unanimously to approve the project.

City Council Agenda Summary Report June 12, 2006 100 Esplanade – Lands End Apartment Improvements Page 2

Appeal – On April 26, 2006, Bart Willoughby, a concerned tenant of the Lands End apartment complex appealed the Planning Commission's approval of the project based on concerns regarding the construction of a new pool. Staff will discuss each of the appellant's concerns in order as listed on the attached appeal.

1. Appellant's issue: Potential liquefaction hazard exists if proposed pool is constructed.

Staff's response: A geotechnical report for the construction of the swimming pool has been provided by the applicant and the Coastal Commission's staff geologist has also made recommendations after review of the geotechnical report. As part of the plan check process, all recommendations specified in the geotechnical report and as recommended by the Coastal Commission's staff geologist will be incorporated into the project. Additional peer review may also be required at the Chief Building Official's discretion. The Coastal Commission's staff geologist has considered and made recommendations to address potential liquefaction hazards, and a condition of approval requires that all recommendations from the Coastal Commission geologist be incorporated into the project; thus, the liquefaction issue has been addressed. The appellant also raised the issue of problems associated with the existing spa operation. However, the existing spa was built many years ago and no additional review or conditions can be required by staff.

2. Appellant's issue: Without permit in hand Lands End began the project.

Staff's response: Staff was notified by several residents of the Lands End Apartment complex that the applicant was trimming trees on the site. Public Works staff responded and stopped the applicant from undergoing any more tree trimming. The applicant is aware that any future tree trimming would require approval of a Heritage Tree permit.

3. Appellant's issue: The Lands End Plans are ambiguous and incomplete.

Staff's response: The detail provided in the plans reviewed and approved by the Planning Commission is consistent with City requirements for plans prepared during the planning permit process. The applicant indicated where the new pool would be and that the pump house would remain. In addition, a glass enclosure is proposed around three sides of the pool. More detailed information will be provided during the building permit/plan check phase of the project.

4. Appellant's issue: No survey of residents by Fowler for new outdoor pool.

Staff's response: Staff cannot determine whether or not a survey regarding the proposed pool was conducted by the applicant.

Discussion — The appellant has raised many concerns regarding the applicant's renovation of the Lands End apartments but the primary issue is the proposed pool and related equipment. The appellant has stated that the proposed expansion of the clubhouse to provide additional office space and lounge area, and the proposed replacement signage for the four freestanding signs is acceptable. The appellant would prefer that the proposed pool and related equipment be eliminated from the project. However, many of the issues regarding construction of the outdoor pool at the site were raised during the Planning Commission public hearing on this project.

City Council Agenda Summary Report June 12, 2006 100 Esplanade – Lands End Apartment Improvements Page 3

After reviewing all the project information and in particular the response from the Coastal Commission staff geologist, the Commission unanimously agreed that the proposed pool would be appropriate for the site with the added condition of approval to address noise impacts.

Council Action – The Council may deny the appeal and uphold the Planning Commission's conditional approval of the project or the Council may send the project back to the Planning Commission for additional review. Staff has provided a finding and a motion to deny the appeal and uphold the Planning Commission's approval of the project including the pool.

RECOMMENDATION:

Staff recommends that the City Council deny the appeal, and uphold the Planning Commission's approval of the project including the proposed pool.

FISCAL IMPACTS:

None

DOCUMENTS ATTACHED:

- a. Letter from Appellant Dated May 28, 2006
- b. Appeal Dated April 26, 2006
- c. Staff Report, Attachments and Meeting Minutes from April 17, 2006
- d. Applicant Information Including Plans, Elevations, Photos and Geotechnical Report (Planning Commission only)

COUNCIL ACTION REQUESTED:

Motion to Deny Appeal

Move that the City Council DENY the appeal and uphold the Planning Commission approval of the project, based on the conditions and findings contained in the April 17, 2006 staff report, and incorporate all maps and testimony into the record by reference.

AGENDA ITEM NO. 9

SUBJECT:

A Resolution of the City Council of the City of Pacifica Adopting the 2006-2011 Capital Improvement Program of the City of Pacifica

ORIGINATED BY:

Engineering Division
Department of Public Works

BACKGROUND/DISCUSSION:

The Capital Improvement Program (CIP) is an important tool designed to help the City plan and budget for the use of development fees and other funds. The proposed CIP enumerates recently completed, ongoing and anticipated public capital improvements and facilities necessitated by new development in the City. It indicates the approximate location, size, proposed project start and completion dates, estimated project funding source/s and other miscellaneous information for all facilities and improvements to be finance with the development fees.

Adopting and annually updating a CIP that meets statutory requirements also allows the City to collect residential development fees at the time specified in its Municipal Code.

Staff recommends approval of the 2006-2011 City of Pacifica Capital Improvement Program.

FISCAL IMPACT:

None. The projects described in the CIP are to be funded by the development fees and possible grants.

DOCUMENTS ATTACHED:

- 1. Resolution of the City Council of the City of Pacifica Adopting the 2006-2011 Capital Improvement Program of the City of Pacifica.
- 2. 2005-2011 Capital Improvement Program of the City of Pacifica.
- 3. A Resolution of the Planning Commission of the City of Pacifica Certifying that the Proposed 2006-2011 Capital Improvement Program is consistent with the General Plan.

COUNCIL ACTION REQUESTED:

Adopt the resolution next in order as Resolution of the City Council of the City of Pacifica Adopting the 2006-2011 Capital Improvement Program of the City of Pacifica.

JUNE 12, 2006

AGENDA ITEM NO.10

SUBJECT:

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

ORIGINATED BY:

Public Works Department Finance Department

DISCUSSION:

The rate structure is based on the proposed budget for the Wastewater Treatment Division Operations & Maintenance. The proposed budget projects a revenue increase of 3.5294% for fiscal year 2006-2007. The sewer rates are based on the water consumed during the two consecutive months with the heaviest rainfall in the fiscal period, May, 2005 through April, 2006. Since water consumption decreased by .6218% during the period, the rate used for sewer service charge calculation will increase by 5.6773% in order to achieve the required budget revenue of \$8,800,000.

Two versions of this ordinance are before you tonight. One version is an urgency ordinance that will go into effect immediately upon passage. The second is an ordinance which implements the same rate adjustment, but will go into effect 30 days after passage.

FISCAL IMPACTS:

The proposed increase reflects a 3.5% revenue increase in actual dollars the City receives and a 5.7% increase in the rate used for sewer service charge calculation purposes only.

ATTACHMENTS:

Ordinances

COUNCIL ACTION REQUESTED:

1) move that the Ordinance entitled "Ordinance of the City Council of the City of Pacifica Amending Sections 6-6.404 and 6-6.406 of Chapter 6, Title 6 (Sewer Charges)" be read by title only and that further reading be waived; 2) move for introduction of the ordinance; 3) move for introduction of the Ordinance of the City Council of the City of Pacifica Amending Sections 6-6.404 and 6-6.406 of Chapter 6, Title 6, (Sewer Charges) of the Pacifica Municipal Code and Setting Forth the Urgency Therefore" be read by title only and that further reading be waived; 4) move for introduction of the Ordinance.

CITY OF PACIFICA

CITY COUNCIL AGENDA SUMMARY REPORT

June 12, 2006

AGENDA ITEM NO. 11

SUBJECT:

Veraloft Contract – Wireless Internet

ORIGINATED BY:

Finance Department

DISCUSSION:

Veraloft has come before the City Council three times to discuss providing wireless internet service for the entire City of Pacifica. Subsequent to those meetings, we have satisfactorily answered questions from community members interested in this plan. The community called for this type of service during the Strategic Plan process and we have received positive feedback from community members who support the City's plan to become a "hot zone" for community subscribers.

The public safety staff and the public works staff will benefit from the ability to communicate throughout the City via the wireless technology as they perform their jobs at remote locations.

The City staff has negotiated a contract with Veraloft that will provide desirable benefits to the community at no cost to the City. Veraloft will pilot the service in one area of the City and then begin total build-out within 6 months with a goal of at least 90% coverage. Veraloft will provide the City with 40 free high- speed accounts to be used for municipal purposes. Veraloft will pay monthly site rental for their equipment in the amount of \$7.50 per site, for a total of approximately 170 sites citywide. Veraloft has agreed to a high standard of customer service to the community as spelled out in Exhibit C, attached.

FISCAL IMPACT:

None

ATTACHMENTS:

Agreement

Exhibit A-2 (Installation Guide) is voluminous and is on file in the City Clerk's Office Exhibits B-1 through B-3 are also on file in the City Clerk's Office

COUNCIL ACTION REQUESTED:

Approve agreement and authorize the City Manager to sign the attached contract with Veraloft for the provision of wireless internet service citywide.