

# CITY OF PACIFICA CITY COUNCIL AGENDA

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

CITY COUNCIL CHAMBERS  
2212 BEACH BOULEVARD  
PACIFICA, CALIFORNIA 94044

**May 11, 2009**

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

**5:45 p.m. CLOSED SESSION**

**PURSUANT TO GOVERNMENT CODE SECTION 54956.8 Conference with Real Property Negotiator: Discussion concerns price and terms of payment. Agency Negotiator Attending Session: Stephen Rhodes: Property: Frontierland Park, Pacifica, California. APN 022-320-180. Negotiating Parties: City of Pacifica and Verizon Wireless.**

**PURSUANT TO GOVERNMENT CODE SECTION 54957.6 Conference with Labor Negotiator. Agency Negotiator: Ann Ritzma. Employee Organization: Battalion Chiefs Teamsters Local 856; Firefighters Local 2400**

**PURSUANT TO GOVERNMENT CODE SECTION 54956.8 Conference with Real Property Negotiator. Discussion concerns price and terms of payment. Agency Negotiator Attending Session: Stephen Rhodes: Property: 700 Coast Highway, Pacifica, California, APN 018-150-100. Negotiating parties: City of Pacifica and Whole Energy Fuels Corporation.**

**7:00 p.m.**

Call to Order

Roll Call

Salute to the Flag led by Mayor pro Tem Digre

Commission Liaisons:

Closed Session Report:

## **CONSENT CALENDAR**

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

1. Approval of Disbursements dated 04/13/09 to 04/27/09 in the amount of \$812,453.03 Regular and quick checks numbered 81825 to 81827, and 3894 to 4100 (**Proposed action:** approve)
2. Approval of Minutes of Regular City Council Meeting of April 27, 2009 (**Proposed action :** approve)
3. Notice of Completion for the 2006 FEMA Repairs – Beach Boulevard Rock Revetment and Seawall Repair Project (**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 2006 FEMA Repairs – Beach Boulevard Rock Revetment and Seawall Repair Project)

4. Approval of Contract Amendment No. 1 between the City of Pacifica and Wilsey Ham for the Route 1 San Pedro Creek Bridge Replacement Project. No Additional Budget Required as Enough Funds Have Been Previously Budgeted Within Highway 1 Fund 12 (**Proposed action:** approve contract amendment No. 1 between the City of Pacifica and Wilsey Ham for the Route 1 San Pedro Creek Bridge Replacement Project and authorize the City Manager to execute all necessary documents)
5. Adopt Resolution Requesting That the San Francisco Bay Regional Water Quality Control Board Revise the Draft Tentative Order for the Municipal Regional Stormwater Permit (**Proposed action:** adopt the resolution next in order entitled "A Resolution Requesting that the San Francisco Bay Regional Water Quality Control Board Revise the Draft Tentative Order for the Municipal Regional Stormwater Permit to reduce impacts on the City budget and local economy, and appoint Mayor pro Tem Sue Digre to speak at the hearing on May 13, 2009)
5. A. Award of Contract to C.F. Archibald Paving Inc. for the San Pedro Terrace Trail Project, Approval of Contract for Construction Management Services between the City of Pacifica and CSG Consultants and Approval of Biological Monitoring Services Between the City of Pacifica and TRA Environmental Sciences, Inc. No Budget Authority is Required. Previous Budget Authority Has Been Approved From Highway 1 Fund (**Proposed action:** authorize the award to contract to C.F. Archibald Paving Inc for the San Pedro Terrace Trail Project. Should that contractor not complete the contract award requirements, authorize award to the second apparent low bidder; approve consultant services agreement between the City of Pacifica and CSG Consultant, Inc. approve consultant services agreement between the City of Pacifica and TRA Environmental Sciences, Inc authorize the City Manager to execute all necessary documents associated with the award of contract and consultant services agreement)

#### **SPECIAL PRESENTATION**

- ❖ Proclamation – May As Older Americans Month
- ❖ Proclamation – Poppy Days
- ❖ Y-IMPACT

#### **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.

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

#### **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. Resolution Creating the Economic Development Committee (**Proposed action:** adopt the resolution creating the City of Pacifica Economic Development Committee)
- 8. Discussion of City Fees (**Proposed action:** discuss subject matter and direct staff if any changes are desired)
- 9. Recommendation for Nominees to the California Coastal Commission Central Coast Region Appointment (**Proposed action:** approve recommendation of nominees to the California Coastal Commission to be voted on at the San Mateo County City Selection Committee meeting and consider forwarding a resolution of support to the San Mateo County Board of Supervisors)

**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 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 72 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, seventy-two hour 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**

**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.cityofpacifica.org](http://www.cityofpacifica.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, 2<sup>nd</sup> 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](http://www.cityofpacifica.org)

**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 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
- President Barack Obama, 1600 Pennsylvania Ave. NW, Washington DC 20500 (202) 456-1111

CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
May 11, 2009

Agenda Item No. 3

**SUBJECT:**

Notice of Completion for the 2006 FEMA Repairs – Beach Boulevard Rock Revetment and Seawall Repair Project.

**ORIGINATED BY:**

Engineering Services Division

**BACKGROUND/DISCUSSION:**

During the regular City Council meeting last June 9, 2008, Council authorized award of contract to Stoloski and Gonzalez, Inc. for the 2006 FEMA Repairs – Beach Boulevard Rock Revetment and Seawall Repair Project. This project consisted of the repair of portions of the rock revetment adjacent to the seawall on the West side of Beach Boulevard displaced by severe winter weather conditions from December 2005 through May 2006. The project was performed in a satisfactory manner.

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:**

1. 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 2006 FEMA Repairs – Beach Boulevard Rock Revetment and Seawall Repair Project.
2. Notice of Completion.

Council Agenda Summary Report

**Notice of Completion for 2006 FEMA Repairs – Beach Boulevard Rock Revetment and Seawall Repair Project**

May 11, 2009

Page 2

**COUNCIL ACTION REQUESTED:**

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 2006 FEMA Repairs – Beach Boulevard Rock Revetment and Seawall Repair Project.

RESOLUTION NO. \_\_\_\_\_

**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  
2006 FEMA REPAIRS – BEACH BOULEVARD ROCK REVETMENT AND SEAWALL  
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 Stoloski and Gonzalez, Inc., dated June 9, 2008, 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:

1. 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 11th day of May 2009, by the following vote:

**AYES**, Councilmembers:

**NOES**, Councilmembers:

**ABSENT**, Councilmembers:

**ABSTAIN**, Councilmembers:

**CITY OF PACIFICA**

By: \_\_\_\_\_  
Mayor Julie Lancelle

ATTEST:

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

APPROVED AS TO FORM:

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

**NOTICE OF COMPLETION  
CITY OF PACIFICA  
2006 FEMA REPAIRS - BEACH BOULEVARD ROCK REVETMENT AND SEAWALL  
REPAIR PROJECT**

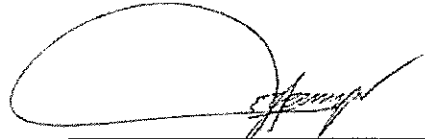
**NOTICE IS HEREBY GIVEN**, pursuant to Section 3093 of the Civil Code of the State of California, by Van Dominic Ocampo, City Engineer of the City of Pacifica, California, that the contract awarded to Stoloski & Gonzalez, Inc., on June 9, 2008, has been completed in accordance with the plans and specifications 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 27th day of March 2009 and that acceptance of completion of said work was ordered by the City Council of said City, adopted on the 11th day of May 2009, and that the name of the surety on the contractor's bond for labor and materials on said project is Merchants Bonding Company.

That said work and improvements consisted of the repair of displaced portions of rock revetment adjacent to a seawall caused by severe winter weather conditions, 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

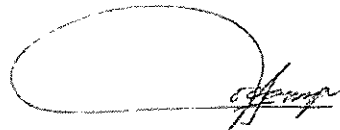


---

Van Dominic Ocampo, 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 May 11, 2009.

RESOLUTION NO. \_\_\_\_\_

**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  
2006 FEMA REPAIRS – BEACH BOULEVARD ROCK REVETMENT AND SEAWALL  
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 Stoloski and Gonzalez, Inc., dated June 9, 2008, 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:

1. 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 11th day of May 2009, by the following vote:

- AYES**, Councilmembers:
- NOES**, Councilmembers:
- ABSENT**, Councilmembers:
- ABSTAIN**, Councilmembers:

**CITY OF PACIFICA**

By: \_\_\_\_\_  
Mayor Julie Lancelle

ATTEST:

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

APPROVED AS TO FORM:

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



**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
MAY 11, 2009**

Agenda Item No. 4

**SUBJECT:**

Approval of Contract Amendment No. 1 between the City of Pacifica and Wilsey Ham for the Route 1 San Pedro Creek Bridge Replacement Project. No additional budget required as enough funds have been previously budgeted within Highway 1 Fund 12.

**ORIGINATED BY:**

Engineering Division  
Department of Public Works

**BACKGROUND/DISCUSSION:**

The Route 1 San Pedro Creek Bridge Replacement Project will replace the existing bridge on Highway 1 over San Pedro Creek. The current bridge is more than 50 years old and is three feet below flood zone elevation. It also has a narrow span that bottlenecks the flow of San Pedro Creek.

It is estimated that this project will cost \$6 million, of which \$1.056 million will come from the Transportation Equity Act for the 21<sup>st</sup> Century, or TEA-21, and an additional \$2.5 million from SAFETEA-LU. It was not until January of this year with the implementation of the reauthorized Measure A that this project finally achieved full funding.

In August of 2007 the City Council approved the Consultant Services Agreement between the City of Pacifica and Wilsey Ham for the submittal of the PSR/PR to Caltrans. Wilsey Ham had since submitted the PSR/PR to Caltrans. However, Caltrans did not approve the submitted PSR/PR and required the submittal of a number of additional studies and revisions to the document. These studies include a Storm Water Data Report, a revised Preliminary Environmental Design, revised bridge design for a cast-in-place type construction, changes in the geometrics, new Initial Site Assessment, updated Advance Planning Study and CEQA approval. The next step would be to compile these studies and resubmit a revised PSR/Project Report. On April 23, 2009, the City received a proposal from Wilsey Ham for an amount not to exceed \$78,000 to resubmit the PSR/PR. Staff recommends approval of Contract Amendment No. 1 between the City of Pacifica and Wilsey Ham.

**FISCAL IMPACT:**

There is no need for additional budget authority as enough funds have been previously budgeted in Highway Fund 12 during the adoption of this fiscal year's budget to pay for this expense. This expenditure is eligible for reimbursement by TEA-21 funds.

**DOCUMENTS ATTACHED:**

1. Contract Amendment No. 1 between the City of Pacifica and Wilsey Ham for the Route 1 San Pedro Creek Bridge Replacement Project.

Council Agenda Summary Report

May 11, 2009

**Approval of Contract Amendment No. 1 between the City of Pacifica and Wilsey Ham for the Route 1 San Pedro Creek Bridge Replacement Project**

Page 2

**COUNCIL ACTION REQUESTED:**

Approve Contract Amendment No.1 between the City of Pacifica and Wilsey Ham for the Route 1 San Pedro Creek Bridge Replacement Project and authorize the City Manager to execute all necessary documents.

**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
May 11, 2009**

Agenda Item No. 5

**SUBJECT:**

Adopt Resolution Requesting that the San Francisco Bay Regional Water Quality Control Board revise the Draft Tentative Order for the Municipal Regional Stormwater Permit

**ORIGINATED BY:**

Planning and Economic Development Department  
Engineering Division / Public Works Department

**DISCUSSION:**

Currently, the City of Pacifica operates under a municipal stormwater permit (MRP) adopted in July 1999 and amended in 2003, twice in 2004, and again in 2007. The municipal stormwater permit resulted from Section 402(p) of the Federal Clean Water Act (CWA), as amended by the Water Quality Act of 1987; and requires NPDES permits for "Storm water " dischargers from municipal separate storm sewer systems (MS4's), storm water dischargers associated with industrial activity including construction activities, and designated storm water discharges, which are considered significant contributors of pollutants' to waters of the United States. In November 1990 the USEPA published regulations: 40 CFR Part 122, which prescribe permit application requirements for MS4's pursuant to CWA 402(p). In May 1996, the USEPA: Published and Interpretive Policy Memorandum on Reapplication Requirements for Municipal Separate Storm Sewer Systems; which provided guidance on permit application requirements for regulated MS4's, which resulted in the first NPDES permit draft that was adopted in 1999.

The new MRP has been in development for a number of years. Comments have been provided by Pacifica staff by way of comment letters on earlier drafts of the MRP in 2005 and 2007. Many local elected officials spoke before the Regional Board to protest the costs of compliance with the previously proposed iterations, most recently in March 2008. City staff attended the hearing in 2008. Some improvements have been made in the current draft Tentative Order (Attachment 4), but much of the MRP is unchanged. Written comments were submitted to the Regional Board on April 3, 2009 (Attachment 2).

The hearing on potential adoption of the MRP is set for Wednesday, May 13, 2009, beginning at 9:00 a.m. at the Elihu M. Harris State Building, 1515 Clay Street, Oakland, CA 94612. Staff will be in attendance at the hearing, and is requesting that Mayor Pro Tem Sue Digre attend in order to speak on behalf of the City of Pacifica.

The San Mateo City/County Association of Government (C/CAG) has prepared a presentation (Attachment 3) which provides an overview of the MRP and recommends changes to the requirements in the area of water quality monitoring, trash and litter, and conditionally exempted discharges. The attached Resolution would support the C/CAG efforts to request MRP changes from the Regional Board.

City staff have completed a thorough review of the Revised Tentative Order Municipal Regional Permit, and has identified and described within the above mentioned comment letter the main concerns for all Pacifica Departments that facilitate NPDES compliance via daily tasks.

The City has two main concerns unreasonable timing for implementation of provisions and high costs associated with certain provision tasks. In relation to provision implementation, more time is needed in order to implement and meet all compliance measures than the date currently defined. For provision requirements that deal with water quality monitoring, special studies, pilot projects, trash and litter control, and conditionally exempted discharges, implementation timelines should be extended and phased to allow for more consistency with the current economic climate as these provisions are costly. CCAG is in support of these cost impacts being reevaluated and adjusted to allow for municipalities and countywide programs to be able to reasonably achieve compliance.

City Staff will prepare a staff report to Council when the MRP is adopted in order to provide a detailed explanation of the permit, department impacts, and fiscal impacts.

**FISCAL IMPACT:**

None (Fiscal Impacts associated with the MRP will be identified when the provisions become final)

**DOCUMENTS ATTACHED:**

1. Resolution requesting that the San Francisco Bay Regional Water Quality Control Board Revise the Draft Tentative Order for the Municipal Regional Stormwater Permit to reduce impacts on the City budget and local economy
2. City of Pacifica MRP Comment Letter
3. CCAG Presentation on the MRP
4. Tentative Order for Municipal Regional Permit (Copies provided to Council Members only due to document size. MRP Tentative Order is available in the Office of the City Clerk)

**COUNCIL ACTION REQUESTED:**

1. ADOPT the Resolution next in order entitled: Resolution requesting that the San Francisco Bay Regional Water Quality Control Board Revise the Draft Tentative Order for the Municipal Regional Stormwater Permit to reduce impacts on the City budget and local economy, and;
2. Appoint Mayor Pro Tem Sue Digre to speak at the hearing on May 13, 2009.

**RESOLUTION NO.**

**RESOLUTION REQUESTING THAT THE SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD REVISE THE DRAFT TENTATIVE ORDER FOR THE MUNICIPAL REGIONAL STORMWATER PERMIT TO REDUCE IMPACTS ON THE CITY BUDGET AND THE LOCAL ECONOMY**

---

**Whereas**, the City of Pacifica supports the goal of clean stormwater; and

**Whereas**, the San Francisco Regional Water Quality Control Board released a draft Municipal Regional Stormwater Permit for public comment on 2/11/2009; and

**Whereas**, the Planning and Economic Development Department, Public Works Department; Engineering, Field Services and Waste Water Division staff have reviewed the draft permit; and

**Whereas**, the estimated direct costs to the City of Pacifica to comply with the draft permit would be on the order of approximately two and one half times the current budget of \$207,000 or \$517,500 per year; and

**Whereas**, current stormwater program costs are exceeding revenues and have for some time; and City of Pacifica stormwater program revenues would need to be doubled or tripled to fully fund the requirements of the draft permit; and

**Whereas**, the San Mateo City/County Association of Government staff has reviewed the draft permit and recommended that the document be revised to reduce the permit's cost impacts in the areas of water quality monitoring, special studies, pilot projects, trash and litter control, and conditionally exempted discharges, and that the provision compliance deadlines be phased to ease the cost burden to Cities as much as is possible, potentially even over multiple five year permit cycles; and

**Whereas**, revenues from new construction and reconstruction activity are an important revenue source for the City of Pacifica and an important source of local economic activity, and new construction revenues and reconstruction revenues could be impacted as a result of the proposed MRP requirements which call for reduced thresholds for triggered engineered treatment measures, increasing the potential for additional review costs and additional project costs to fall on the applicant possibly resulting in less development.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Pacifica hereby requests that the San Francisco Bay Regional Water Quality Control Board revise the draft Tentative Order for the Municipal Regional Stormwater Permit to reduce impacts on the city budget and the local economy and that the City Council supports the recommendation of the San Mateo City/County Association of Government to reduce the permit's cost impacts in the areas of water quality monitoring, special studies, pilot projects, trash and litter control, and conditionally exempted discharges.

**BE IT FURTHER RESOLVED THAT** the San Francisco Regional Water Quality Control Board is requested to consider the cost burden that that the draft permit would

place on new construction and reconstruction and the potential impacts to the local economy.

\*\*\*\*\*

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Pacifica, California, held on the 11<sup>th</sup> day of May, 2009

**AYES**, Councilmembers:

**NOES**, Councilmembers:

**ABSENT**, Councilmembers:

**ABSTAIN**, Councilmembers:

By: \_\_\_\_\_  
Mayor Julie Lancelle

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Cecilia Quick, City Attorney

**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
MAY 11, 2009**

Agenda Item No. 5A

**SUBJECT:**

Award of Contract to C.F. Archibald Paving Inc. for the San Pedro Terrace Trail Project, Approval of Contract for Construction Management Services between the City of Pacifica and CSG Consultants and Approval of Biological Monitoring Services between the City of Pacifica and TRA Environmental Sciences, Inc. No budget authority is required. Previous budget authority has been approved from Highway 1 Fund.

**ORIGINATED BY:**

Engineering Division  
Public Works Department

**BACKGROUND/DISCUSSION:**

On January 2006, staff submitted the Regional Bicycle and Pedestrian Application for Fiscal Year 2006-07 thru the City/County Association of Government (C/CAG) for the San Pedro Terrace Multi-Purpose Trail Project and on May 2006 C/CAG Board approved funding for the project. The project consists of constructing a multi-purpose trail from the westerly end of San Pedro Terrace Road to the end of Higgins Way, where it connects to the Montara Mountain Trail. The trail will be a combination of mostly Class I and Class III multi-use bike/pedestrian trail and include paving over existing road, shoulder, installation of pavement markings, striping and signs.

On April 1, 2009 this project was advertised in accordance with the formal bid process and in compliance with Caltrans' requirements for project advertising. Fifteen companies bought plans and specifications and ten submitted bids. On April 23, 2009, the bids were received and the result is as follows:

C.F. Archibald Paving Inc.	\$ 327,421.00
Pavex Construction	\$ 336,377.00
G. Bortolotto and Company	\$ 356,724.37
Top Grade Construction	\$ 399,998.50
Half Moon Bay Grading and Paving	\$ 405,164.68
AHI (Ashbury Quality Construction)	\$ 426,115.36
W. R. Forde Associates	\$ 426,803.50
O'Grady Paving	\$ 440,079.60
Interstate Grading and Paving	\$ 473,407.71
Esquivel Grading and Paving	\$ 565,306.50

The apparent low bidder is C.F. Archibald Paving Inc. with a bid amount of \$327,421.00. It has been a while since C.F. Archibald Paving Inc. had successfully completed a City of Pacifica project so staff checked their references, and they were all positive. All required documentation was submitted with their bid. Therefore, it is staff's recommendation to authorize award of contract to the apparent low bidder. If the low bidder does not provide the proper bonds and proof of insurance prior to the signing of the contract, the project may be awarded to the apparent second low bidder.

**Award of Contract to C.F. Archibald Paving Inc. for the San Pedro Terrace Trail Project, Approval of Contract for Construction Management Services between the City of Pacifica and CSG Consultants and Approval of Biological Monitoring Services between the City of Pacifica and TRA Environmental Sciences, Inc.**

May 11, 2009

Page 2

In previous years' paving projects, the City has used the services of CSG Consultant, Inc. for construction management and inspection work. CSG Consultant, Inc is a full service engineering firms that specialize in construction management work. Because of their familiarity with this type of project and experience in construction management, staff recommends approval of the contract between the City of Pacifica and CSG Consultant, Inc to perform construction management and inspection of this project.

The City used the services of TRA Environmental Sciences, Inc. for developing the Biological Memorandum to Caltrans in connection with this project. Because of their familiarity with the project and experience in this field, staff recommends approval of the contract between the City of Pacifica and TRA Environmental Sciences, Inc. to perform biological monitoring for this project.

**FISCAL IMPACT:**

The proposed project budget is as follows:

**Project Costs**

Construction Contract	\$327,421.00
Contingencies	\$75,000.00
Construction Engineering	\$37,995.00
Biological Monitoring	\$2,345.00
Total Project Cost	<u>\$442,761.00</u>

**Project Funding**

CMAQ Grant	\$391,844.00
Measure A	\$50,917.00
Total Funding	<u>\$442,761.00</u>

Fiscal impact will be \$442,761.00 from Measure A funds; \$391,844.00 will be reimbursed by the CMAQ Grant.

**DOCUMENTS ATTACHED:**

1. Consultant services agreement between the City of Pacifica and CSG Consultant, Inc.
2. Consultant services agreement between the City of Pacifica and TRA Environmental.

A copy of the project plans and specifications is available at the Engineering Division and will be available at the Council meeting.



Council Agenda Summary Report

**Award of Contract to C.F. Archibald Paving Inc. for the San Pedro Terrace Trail Project, Approval of Contract for Construction Management Services between the City of Pacifica and CSG Consultants and Approval of Biological Monitoring Services between the City of Pacifica and TRA Environmental Sciences, Inc.**

May 11, 2009

Page 3

**COUNCIL ACTION REQUESTED:**

Authorize the award of contract to C.F. Archibald Paving Inc. for the San Pedro Terrace Trail Project. Should that contractor not complete the contract award requirements, authorize award to the second apparent low bidder; approve consultant services agreement between the City of Pacifica and CSG Consultant, Inc.; approve consultant services agreement between the City of Pacifica and TRA Environmental Sciences, Inc.; authorize the City Manager to execute all necessary documents associated with the award of contract and consultant services agreement.

CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT

May 11, 2009

Agenda Item No. 6

**SUBJECT:**

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

**ORIGINATED BY:**

Wastewater and Administrative Services

**DISCUSSION:**

In preparation for tonight's hearing, on March 27, 2009, the City mailed notices to the owner of each of the 12,658 parcels subject to charges. Pursuant to Proposition 218 (Article XIID of the California Constitution), which was approved by the voters in 1996 and likely made applicable to the City's sewer charges by a recent decision by the California Supreme Court, the City Council may not impose or revise charges if it received written protests from the owners of a majority of the parcels subject to the charges.

As of May 5, 2009 (5 pm), the City has received 65 protest letters and 0 emails purporting to be protests, informal petitions purporting to be protests, and other signed writings indicating opposition to the proposed rate increase. All of these documents are included in the written record of this proceeding and are available to members of the City Council. In total, these documents are signed by the people. A majority protest against the fee would exist if the City received written protests from greater than 50% of the record owners of parcels subject to the proposed increase (50% + 1). As there are 12,658 parcels subject to the proposed fee, a successful majority protest would require the receipt of protests from the owners of 6,330 parcels. If every signature received on the purported protest documents represents a valid protest, the documents received would only represent 65 protests or .51 %. Consequently, unless the City Council receives several thousand additional protests before the close of the public hearing on the charges, there is no majority protest against the proposed fee and the City Council may act to impose the fee if it so desires.

**Rate:**

The minimum sewer rate is proposed to increase by 2.5335% from \$ 456.70 per year to \$468.28. The new minimum rate represents an increase of \$1.00 per month. The revenue derived from the sewer rate, as collected through property tax, provides sewer service to each property in the City. The City of Pacifica provides two major sewer service components:

The collection system which is comprised of the sewer mains, collector mains, and trunk lines, the City's portion of the "lateral" lines (the pipeline from the home or building to main sewer line), and the pump stations that carry the wastewater to the sewage treatment plant.

The sewage treatment plant that was designed in 1991 and became operational in 2000. The City treats 3,920,000 gallons of wastewater per day at the tertiary level. The "state of the art" plant continues to provide Pacifica with discharge standards that meet the most stringent nitrogen and phosphorous, metal, pharmaceuticals and organic compound requirements.

**Why the sewer rate is increasing?**

The proposed increase for the Tax Year 2009/2010 for sewer services is derived from the budgeted expenditures for the operation, maintenance, repair and management of the entire system. Staff has developed budgets for both the Waste Water Treatment Plant and Collection

systems that address necessary repairs and maintenance as well as on-going operational expenses. The finance staff has incorporated the additional costs associated with the payments on the \$51 million in debt (\$46 million for the 1995 State Revolving Loan and \$5 million for the 1996 Sewer Revenue Bond), the City Council approved cost allocations for internal service support and proposed capital improvements. Also incorporated in the revenue requirement is the second year of extended payment on the State Revolving Loan. Last year was the first year of an increased debt payment from \$1.4 million in 2007/08 to \$3.5 million in 2008/09.

**Why is the budget for sewer collection and the treatment plant decreasing?**

The final sewer budget is \$11,300,000 and represents a -0.8772% decrease (revenue requirement) from the prior year (\$11,400,000). In the past several months, with the completion of the Digester Modification Project, the wastewater treat plant is beginning to realize cost savings in sludge removal and chemical use. Instead of three to four truck loads of sludge removal per week, there are only two trucks per week with the new digester modification. Additionally, chemical usage has decreased for the de-watering process and odor control systems. The modifications also allow for computerized control of the digester system, as opposed to manual operation, and is projected to reduce energy use and realize additional cost savings.

**Why is the sewer rate up and the budget requirement down?**

The sewer rate increase is obtained by calculating a formula that utilizes the revenue requirement in conjunction with the water usage during two consecutive wet months (January09/February 09). It should be noted that as in previous years the data provided by the water district shows a decrease in water usage that is probably attributed to an increased effort to conserve water. Although the expenditures for the operation of the sewer collection system and treatment plant actually decreased, there were less units of water used in the formula and the proposed sewer rate has increased.

The increase in the sewer rate takes the minimum sewer service charge from \$456.70 to \$468.28 or an increase of 2.5335%. The increase provides the necessary revenue to provide sewer services, perform the necessary repairs and maintenance to system and plant and make the payments on the debt service.

With the implementation of the new rate, there will be adequate revenue to continue providing sewer services. Staff projects that future increases, without new regulatory requirements or significant capital projects, will require increases that range between 3-5% annually. Increasing the rates by 3-5% over the next five years should allow for the establishment of a reserve for the unexpected. Other than a reserve for depreciated assets, there is no operating reserve in the proposed rate. At some point, the plant and collections system should establish a reserve of 10% to continue to address long-term improvements and the aging infrastructure of a system exposed to a coastal environment.

**Rate comparison:**

The new minimum annual rate of \$468.28 is still within the mid-range of sewer rates in San Mateo County. It should be noted that known increases in other cities for the coming year range from 3% to 15% and at least two cities have two or three years of 9% or more increases to fund capital improvements to a plant or collection system, not unlike the City of Pacifica's capital investment of a new plant eight years ago.

**Rate setting process:**

The rate setting process follows the Proposition 218 noticing requirements. All property owners will receive a notification in the mail 45 days prior to the sewer fee public hearing which is scheduled for Monday, May 11, 2009. A protest vote of 50% plus 1 of total property owners would be necessary to repeal the proposed increase.

**FISCAL IMPACT:**

Revenue generation of \$11,300,000 or a 0.8772% decrease from the prior year for Sewer Funds 34 and 18 with a resulting sewer rate increase of 2.5335% (the increase in rate is due to a continued decrease in water usage that is used in the formula for rate calculation).

**ATTACHMENTS:**

Ordinances

Sewer Service Charge Rate Sheet for 2009-2010

Property Owner Protest Tally Sheet

**COUNCIL ACTION REQUESTED:**

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

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

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

WHEREAS, on May 11, 2009, the City Council held a full and fair public hearing, properly noticed as required by law, at which all persons interested, were given an opportunity to provide oral and written testimony with respect to a proposed revision and increase of the City's sewer charges; and

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

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

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

Section 6-6.404. Schedule:

Annual sewer charges shall be based upon water consumption that is in conformity with the rate measurement formulas set forth in this article and shall be charged at Nine Dollars and point 75568 cents (\$9.75568) per 100 cubic feet of water consumption, effective July 1, 2009.

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

Section 6-6.406. Minimum Rate:

Regardless of use, the minimum rate for any user shall be Four Hundred Sixty-Eight dollars and twenty-eight cents (\$468.28) per year. The Four Hundred and Sixty-eight and 28/100 Dollars minimum rate shall also be the sewer charge applied to new sewer connection permits obtained after July 1 for that particular fiscal year ending June 30.

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

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

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

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

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

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

\* \* \* \* \*

Introduced at a meeting of the City Council of the City of Pacifica held on the 11th day of May, 2009, and;

AYES, Council Members:

NOES, Council Members:

ABSENT, Council Members:

ABSTAIN, Council Members:

\_\_\_\_\_  
Julie Lancelle, Mayor

APPROVED AS TO FORM:

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

ATTEST:

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

# SEWER SERVICE CHARGES 2009-2010

## SEWER SERVICE CHARGE RATE:

### **Sewer Charge:**

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

CFOWC = Cubic Feet of Water Consumption

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

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

January 2009 and February 2009

### MEASUREMENT PERIOD USED FOR RESIDENTIAL CUSTOMERS:

Water billings from January 2009 and February 2009.

### RESIDENTIAL CALCULATION:

January and February water billings x 6 x \$9.75568 = Sewer Service Charge  
 -or- Actual Annual Water Consump. x \$9.75568 = Sewer Service Charge,  
**whichever is lower.**

### MINIMUM RESIDENTIAL SEWER SERVICE CHARGE:

8 x 6 = 48 x \$9.75568	=	\$468.28
Prior year minimum charge	=	\$456.70

### MEASUREMENT PERIOD FOR COMMERCIAL CUSTOMERS:

Actual Annual Water Consumption.

### COMMERCIAL CALCULATION:

Actual Annual Water Consump. x \$9.75568 x strength factor = Sewer Service Charge.

### COMMERCIAL STRENGTH FACTORS:

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

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

**Sewer Service Charges  
Notice of Increase Protests / Returns  
for Fiscal Year 2009-10**

Week Beginning	Protests Via Email	Protests			Protests Total	Returns That Can Be Forwarded	Returns That Cannot Be Forwarded	Other *	Notes	
		Via Postal Mail	Protests Via Petition	Verbal at Meeting						
30-Mar-09	-	7	-	-	7	37	70	15	12,658 notices mailed 03/27/09 by Accurate Mailings, Inc.	
6-Apr-09	-	8	-	-	8	3	30	1		
13-Apr-09	-	6	8	-	14	2	1	1		
20-Apr-09	-	5	-	-	5	2	7	-		
27-Apr-09	-	24	-	-	24	-	1	-		
4-May-09	-	7	-	-	7	-	-	-		
11-May-09	-	-	-	-	-	-	-	-		
18-May-09	-	-	-	-	-	-	-	-		
<b>Totals:</b>	-	<u>57</u>	<u>8</u>	<u>-</u>	<u>65</u>	<u>44</u>	<u>109</u>	<u>17</u>		
<b>Total Legitimate Protests:</b>					<u><u>65</u></u>	<b>(Not including e-mails)</b>				

Percentage Protesting Against The Total Mailed Out: 0.51%

Majority of Owners of Parcels Subject to the Charges: 6330 (12,667 notices divided by 2, plus 1)

Number of Protests Received by End of Public Hearing (est. 9:30 p.m.) May 11, 2009:



CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
May 11, 2009

Agenda Item No. 7

**SUBJECT:**

Resolution creating the City of Pacifica Economic Development Committee

**ORIGINATED BY:**

City Manager/Mayor Pro Tem Digre & Councilmember Nihart

**DISCUSSION:**

At the April 27, 2009 City Council meeting the Council voted in favor of the creation of an Economic Development Committee and directed staff to bring forward a resolution implementing that decision. The attached resolution is based on that discussion and decision.

The purpose of the Committee is to support the development of current local businesses, improve aging business districts and bring new businesses to Pacifica. Membership on the committee will include the City Manager or designee, at least one Councilmember and seven community members appointed by the City Council. The proposal requires that the community members of the committee have experience in the Pacifica business community or experience in business development or marketing.

The listed objectives of the committee are: 1) to work with the City Manager to review and develop plans to improve customer service in departments that work with existing and new businesses; 2) help businesses in existing districts to organize and implement plans for improvement; and 3) devise and implement a plan for outreach and marketing of Pacifica to potential new businesses.

After Council adoption of the resolution applications will be solicited from the public and interviews scheduled with the Council for selection of the committee members. It is expected that the process will be complete and the committee ready to meet by July of this year.

**FISCAL IMPACT:**

Fiscal impact is expected to be limited other than required staff support.

**ATTACHMENTS:**

Resolution creating an Economic Development Committee

**COUNCIL ACTION REQUESTED:**

Adopt the resolution creating the City of Pacifica Economic Development Committee.

RESOLUTION NO. \_\_\_\_\_  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA  
CREATING AN ECONOMIC DEVELOPMENT COMMITTEE

**WHEREAS**, under the direction of the Pacifica City Council, the Economic Development Committee (EDC) exists to support the development of current local businesses and their interface with the City of Pacifica, improve aging business districts, and bring new businesses to Pacifica; and

**WHEREAS**, objectives of the committee are to: (1) Work with the City Manager, to review and develop plans to improve customer service in departments interfacing with current and potential Pacifica businesses; (2) Facilitate owners/operators in existing business districts to organize develop and implement plans for improvement and business development; and (3) Devise and implement a plan for outreach and marketing of Pacifica to encourage business growth; and

**WHEREAS**, the committee shall have a chair and a vice-chair, elected by the committee with two-year terms; and

**WHEREAS**, The EDC will be comprised of the City Manager or designee (Ex Officio, non-voting), at least one City Council member as liaison, and seven community members appointed by the City Council. Community members must have experience in the Pacifica business community or experience in business development outside of Pacifica or experience marketing businesses. In addition, members must have positive communication skills, strong problem-solving adeptness, creativity, and the ability to work with divergent interest groups.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the City Council of the City of Pacifica does hereby authorize the creation of the Economic Development Committee.

\* \* \*

Passed and adopted at a regular meeting of the City Council of the City of Pacifica on May 11, 2009, by the following vote of the members thereof:

AYES, Councilmembers:  
NOES, Councilmembers:  
ABSENT, Councilmembers:  
ABSTAIN, Councilmembers:

\_\_\_\_\_  
Julie Lancelle, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
May 11, 2009

Agenda Item No. 8

**SUBJECT:**

City Fees

**ORIGINATED BY:**

City Manager

**DISCUSSION:**

Councilmember Vreeland has requested that this item be listed on the agenda to allow Council the opportunity to discuss City fee amounts.

**FISCAL IMPACT:**

None determined at this time

**ATTACHMENTS:**

None

**COUNCIL ACTION REQUESTED:**

Discuss subject matter and direct staff if any changes are desired.

CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
May 11, 2009

Agenda Item No. 8

**SUBJECT:**

City Fees

**ORIGINATED BY:**

City Manager

**DISCUSSION:**

Councilmember Vreeland has requested that this item be listed on the agenda to allow Council the opportunity to discuss City fee amounts.

**FISCAL IMPACT:**

None determined at this time

**ATTACHMENTS:**

None

**COUNCIL ACTION REQUESTED:**

Discuss subject matter and direct staff if any changes are desired.

CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
May 11, 2009

Agenda Item No. 9

**SUBJECT:**

Request for Nominations to the California Coastal Commission Central Coast Region Appointment.

**ORIGINATED BY:**

City Clerk

**DISCUSSION:**

The California Coastal Commission is requesting that the San Mateo County City Selection Committee request nominations for an appointment to the Central Coast Region of the California Coastal Commission. The City Selection Committee will meet on May 29, 2009 to consider appointments. Mayor Lancelle, Mayor pro Tem Digre and Councilmember Vreeland have expressed an interest in being nominated for this appointment. All letters of interest regarding appointments should be received by 3:00 p.m. on Wednesday, May 20, 2009 to Becky Romero or Terry Nagel and will be distributed to all council members throughout San Mateo.

**FISCAL IMPACT:**

None.

**ATTACHMENTS:**

Information About California Coastal Commission Nominations  
Council of Cities/City Selection Committee Agenda  
Purpose and Background of California Coastal Commission

**COUNCIL ACTION REQUESTED:**

Approve recommendation of nominees to the California Coastal Commission to be voted on at the San Mateo County City Selection Committee Meeting and consider forwarding a resolution of support to the San Mateo County Board of Supervisors.

## **Information About California Coastal Commission Nominations**

We were officially notified on April 20 that we would have 45 days to nominate one or more individuals to the California Coastal Commission. This is the first time that there will be the possibility of a new representative holding the Central Coast Region seat. The current commissioner, Dave Potter of Monterey, has held the position for 12 years. He has applied for reappointment but may not necessarily be reappointed.

The City Selection Committee will meet on Friday, May 29, to consider appointments. The San Mateo County counsel has informed us that we must have 11 votes for any nominations. I will fax the names and contact information for those nominated the following day, May 30, to the Speaker of the Assembly, Karen Bass, and her assistant, Lisa Dominguez. The deadline is June 1.

San Mateo County is one of three counties being asked to nominate council members and county supervisors for this powerful position. Within 30 days after the receipt of names, Speaker Bass will ask nominees to complete an application form. She will then make a selection from among those nominated, or will notify us that none of those nominations is acceptable and request additional nominations.

Appointees may appoint an alternate member to represent them at meetings, subject to confirmation by the Speaker.

There are 15 members on the commission. Meetings are held monthly in communities along the coast and last two to three days. Compensation is \$50 per meeting plus \$12.50 per hour for preparation for meetings. Travel expenses are covered.

Please see the attached documents for additional information. If you have questions, feel free to contact me.

Terry Nagel  
Chair, San Mateo County City Selection Committee  
terrynagel@gmail.com  
home: 650-347-3576  
work: 415-222-7489  
cell: 650-678-7082

CALIFORNIA COASTAL COMMISSIONAUTHORITY:

Public Resources Code, §30301 et seq (Amended by: Ch. 1 of 2003, AB 1 (2X) - Jackson); Public Resources Code, §30301 (Amended by: Ch. 162 of 1997, AB 198 - Wayne); (Amended by: Ch. 208 of 1995, SB 787 - Mello); (Created/Amended by: 1982, SB 1195)

APPOINTING POWER:

Governor; Senate Rules Committee; Speaker of the Assembly

NUMBER:

15 Members

## 4 - Senate Rules Committee

- 1 - county supervisor or city council person from the North Central Coast Region -- the counties of Sonoma, Marin and San Francisco (R1)
- 1 - county supervisor or city council person from the South Coast Region -- the counties of Los Angeles and Orange (R2)
- 2 - persons who are not county supervisors or city council persons who shall serve at large. (R3 & R4)

## 4 - Speaker

- 1 - county supervisor or city councilperson from the Central Coast Region - the counties of San Mateo, Santa Cruz & Monterey (S1)
- 1 - county supervisor or city councilperson from the San Diego Coast Region - the County of San Diego (S2)
- 2 - persons who are not county supervisors or city councilpersons who shall serve at large. (S3 & S4)

## 4 - Governor

- 1 - county supervisor or city council person from the North Coast Region - counties of Del Norte, Humboldt and Mendocino
- 1 - county supervisor or city council person from the South Central Coast Region - counties of San Luis Obispo, Santa Barbara and Ventura
- 2 - persons who are not county supervisors or city council persons who shall serve at large.

Secretary of Resources Agency or designee

Secretary of Business & Transportation Agency or designee

Chair of State Lands Commission or designee

QUALIFICATIONS:

Appointments of the local government members shall be from nominations provided by the Boards of Supervisors and City Selection Committee of each county within a specified region.

TERM:

4 years. AB 1 of the Second Extraordinary Session, 2003, changed the terms of the Rules and Speaker appointees from 2-year pleasure terms to 4 years. Effective May 20, 2003, both appointing powers shall appoint 2 members to serve 2-year terms and 2 members to serve 4-year terms. Thereafter all appointments shall be for 4 years with a vacancy to be filled for the remainder of an unexpired term.

If the Rules Committee or Speaker has not acted within 60 days after the expiration of a member's term, the position shall become vacant.

2009 07 13 09 JUL 23 07



254.1

COASTAL COMMISSION - continued

Governor's public appointees shall serve 2-year pleasure terms and the Governor's locally elected official appointees shall serve at the pleasure of the Governor.

All locally elected officials' memberships on the Commission shall cease 60 days after the term of office as a locally elected official ceases.

COMPENSATION:

Members receive \$50 per meeting and \$12.50 per hour in preparation for each meeting not to exceed 8 hours per meeting, and actual and necessary expenses.

PURPOSE:

The commission, unless specifically otherwise provided, shall have the primary responsibility for the implementation of the provisions of Division 20 of the Public Resources Code and is designated as the state coastal zone planning and management agency for any and all purposes, and may exercise any and all powers set forth in the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.) or any other federal act that relates to the planning or management of the coastal zone.

COMMENT:

Alternates to members of the commission must be confirmed by appointing authority. Alternates for the local government appointees need not be a local government representative.

SENATE ALTERNATES: R5 is an alternate to Local Gov/North Central Coast (R1), R6 is an alternate to Local Gov/ South Coast (R2), R7 is an alternate to an at-large position (R3) and R8 is an alternate to the other at-large position (R4).

SPEAKER ALTERNATES: S5 is an alternate to Local Gov/Central Coast (S1), S6 is an alternate to Local Gov/San Diego (S2), S7 is an alternate to an at-large position (S3) and S8 is an alternate to the other at-large position (S4)

Meets 12 times a year; 2 days or more at coastal communities throughout the state. Preparation time can be extensive. (2006)

Website: [www.coastal.ca.gov/](http://www.coastal.ca.gov/)

San Mateo County  
**COUNCIL**  *of* **CITIES**

**Dinner/Meeting Announcement**  
**Friday, May 29, 2009**

*Everyone is encouraged to attend these monthly meetings. This is a great opportunity to meet colleagues from other cities, work together on solutions for our county, get to know how other cities handle issues, make friends and helpful connections, and learn what's going on with the "big" issues we seldom have time to discuss at council meetings.*

**Location**

**Stanford Park Hotel**  
100 El Camino Real  
Menlo Park, CA 94025  
Map and Directions Enclosed

**Schedule**

6:00 pm	Reception begins
6:15 pm	City Selection Committee
6:45 pm	Business meeting
7:00 pm	Dinner
7:30 pm	Program
8:30 pm	Adjourn

Please contact Chair Terry Nagel if you wish  
to bring up an item for group discussion or give a committee report.  
Telephone: (650) 347-3576 or email: [terrynagel@gmail.com](mailto:terrynagel@gmail.com)

**DINNER**

**Starter:**

Wild Arugula in Sherry Vinaigrette with Roasted Pequillo Peppers  
Fresh Rolls/Breads and Butter

**Choice of Entrée:**

Herb Roasted Chicken Breast with Brandy Mustard Cream  
or

Slow Roasted Talapia with Lemon Butter  
or

Whole Grain Mustard Crusted NY Strip Thin Sliced with Red Wine Sauce  
or

Stuffed Portabella with Roasted Vegetable Orzo and Local Goat Cheese

All Entrees Served with Buttermilk Mashed Potatoes and Sautéed Baby Broccoli

Custard Style Bread Pudding with Brandy Caramel Sauce

Regular & Decaffeinated Starbucks Coffees and Selected Premium Teas

\$40.00 per person

**RSVP by Tuesday, May 26, 2009**

(650) 330-6610 or email [gpcarson@menlopark.org](mailto:gpcarson@menlopark.org)

Make checks payable to: **City of Menlo Park**

Mail to: City of Menlo Park

Attn: Pat Carson

701 Laurel Street

Menlo Park, CA 94025

**O'Connell, Kathy**

**From:** Terry Nagel [terrynagel@gmail.com]  
**Sent:** Friday, May 08, 2009 10:25 AM  
**To:** O'Connell, Kathy  
**Subject:** Fwd: Invitation to May 29 Council of Cities dinner  
**Attachments:** C of Cs Invite 5-29-09 FINAL.doc

Kathy:

Here is the invitation that I sent to all council members and also to all city clerks. I just noticed that my previous email to you did NOT have the apostrophe in it, so perhaps that's why you did not receive it.

Terry Nagel

----- Forwarded message -----

**From:** Terry Nagel <terrynagel@gmail.com>  
**Date:** May 1, 2009 12:22 PM  
**Subject:** Invitation to May 29 Council of Cities dinner  
**To:** Terry Nagel <terrynagel@gmail.com>

Dear Colleague:

Attached is an invitation to this month's San Mateo County Council of Cities dinner. It will be held on Friday, May 29, at the Stanford Park Hotel in Menlo Park and will feature Phillip Kilbridge, Executive Director of Habitat for Humanity Greater San Francisco. He'll give us the lowdown on the hidden problem of foreclosures in our county, and how one neighborhood in Menlo Park managed to combat foreclosures through an innovative partnership that your city may wish to copy.

You will receive a separate communication from Becky Romero of the County Manager's Office about appointments and nominations we will be voting on during the City Selection Committee meeting. The appointments are for LAFCO and ABAG. In addition, we have a rare opportunity to nominate candidates for the California Coastal Commission. Karen Bass, Speaker of the California Assembly, has requested nominations for a seat that covers three counties – the first time in 12 years we have had this opportunity. There can be more than one nomination. A zipped file attached to Becky's email includes details about the Coastal Commission opportunity. We must submit our CCC nominations by June 1.

**Please note that the City Selection Committee meeting will start promptly at 6:15 p.m. on May 29 and that we require 11 city votes for all appointments and for all nominations to the California Coastal Commission.** Even if you cannot attend the dinner for some reason, we request that your city send a voting representative to the City Selection Committee portion of the meeting before the dinner.

At our last meeting, I clarified our group's policy on use of our email list by council members. All letters of interest regarding appointments should be sent to Becky Romero at [RXRomero@co.sanmateo.ca.us](mailto:RXRomero@co.sanmateo.ca.us) and to me at [terrynagel@gmail.com](mailto:terrynagel@gmail.com). If Becky receives them by **3 p.m. on Wednesday, May 20**, she will forward them to council members throughout San Mateo County. Hard copies of letter of interest will be distributed at the meeting, and you and your city clerk are welcome to mail out hard copies to council members as well. In addition, you may email council members individually, but we respectfully request that you and your city clerk do not "spam" our email list by sending out group solicitations regarding your candidacy.

Thank you for your consideration. I look forward to seeing you on May 29.

Sincerely,

5/8/2009