



**CITY OF PACIFICA
CITY COUNCIL MINUTES**

**Council Chambers
2212 Beach Blvd
Pacifica, CA 94044**

Mayor Len Stone
Mayor pro Tem Mary Ann Nihart
Councilmember Sue Digre
Councilmember Karen Ervin
Councilmember Mike O'Neill

**January 14, 2013 (MONDAY)
www.cityofpacifica.org**

Mayor Len Stone called the meeting to order on January 14, 2013 at 7:00 PM

5:30 PM CLOSED SESSION

Mayor Stone called the meeting to order at 5:30 p.m., stating that all councilmembers were present and announced that the Council would meet in Closed Session. City Attorney Kenyon announced the business to be discussed.

1. PURSUANT TO GOVERNMENT CODE SECTION 54957.6 Conference with labor negotiator. Agency negotiator: Ann Ritzma. Employee organizations: Pacifica Fire Fighters Local 2400; Teamsters Local 856 Battalion Chiefs; Department Directors Local 350.
2. PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b) Conference with legal counsel - anticipated litigation. Significant exposure to litigation. One potential case.
3. PURSUANT TO GOVERNMENT CODE SECTION 54956.8 Conference with real property negotiator. Discussion concerns price and terms of payment. Agency negotiator attending session: Steve Rhodes. Property: APN 018-150-160 and APN 016-060-100.

7:00 PM OPEN SESSION

Call to Order

Attendee Name	Title	Status	Arrived
Len Stone	Mayor	Present	
Mary Ann Nihart	Mayor pro Tem	Present	
Sue Digre	Councilmember	Present	
Karen Ervin	Councilmember	Present	
Mike O'Neill	Councilmember	Present	

Staff Present: Steve Rhodes, City Manager; Michelle Kenyon, City Attorney; Ann Ritzma, Admin. Ser. Director; Jim Tasa, Police Chief; Fernando Realyvasquez, Police Captain; Ed Vandehey, MIS Manager; Josh Cosgrove, WWTP Supervisor; Kathy O'Connell, City Clerk.

Salute to the Flag led by Councilmember Digre

Closed Session Report

City Attorney Kenyon stated that there was no reportable action taken.

Mayor Stone announced joint study sessions on committees and commissions along with master review on January 23, 2013 at Council chambers. The second was the Council goal setting workshop set for January 26, 2013 at the police station. For oral communications, he asked the public to stop at the end of three minutes with no exceptions. He asked that Council focus on their committee assignments during Council Communications since this was about communicating in their various committee assignments. He also stated that he would confine everyone to one time, and if they forget something, they can talk about it at the next meeting.

CONSENT CALENDAR

Councilmember Digre abstained from the minutes because of being absent due to illness. She also asked that they adjourn the meeting in honor of Ferd Simons, longtime resident, who has done tremendous work for Pacifica since 1970.

Councilmember Ervin stated that she needed to abstain from the minutes for December 10 and 12 as she was not present.

Mayor Stone asked if they were able to pass the minutes for December 10 since Councilmember Digre was absent and he and Councilmember Nihart were the only two remaining members of that Council.

City Attorney Kenyon suggested that they continue those minutes until the next meeting since they may have to draw lots and do a rule of necessity.

Mayor Stone clarified that they only had to continue the minutes of December 10.

Councilmember Nihart moved to approve the consent calendar minus the minutes from December 10; seconded by Councilmember Ervin.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Ann Nihart, Mayor pro Tem
SECONDER:	Karen Ervin, Councilmember
AYES:	Stone, Nihart, Digre, Ervin, O'Neill

1. Approval of Disbursements.
PROPOSED ACTION: Approve
2. City Council - Regular Meeting - Dec 10, 2012 7:00 PM
3. Approval of Minutes of Special City Council Meeting of December 12, 2012
PROPOSED ACTION: Approve minutes.
4. Proclamation Confirming Existence of Local Emergency
PROPOSED ACTION: Move to continue the proclamation confirming the existence of a local emergency dated April 12, 2010.

5. Chemical Root Control Consultant Services

PROPOSED ACTION:

Authorize staff to sign the attached Consultant Services Agreement with Duke's Root Control, Inc. for chemical root control services in an amount not to exceed \$35,470.00 from account 34.900000.52800.C028.000.

6. Advertise for Sealed Bids the Collection System Rehabilitation and Replacement Projects – FY 2012-13 [Sewer Facility Construction Fund 34, Account No.34.900000.52800.C031.000]

PROPOSED ACTION: Authorize Staff to Advertise for Sealed Bids the Collection System Rehabilitation and Replacement Projects - FY 2012-13 [Sewer Facility Construction Fund 34, Account No.34.900000.52800.C031.000]

SPECIAL PRESENTATIONS

PUBLIC HEARINGS

COUNCIL COMMUNICATIONS

Mayor pro Tem Nihart stated that she wanted to update everyone about CCAG. She stated that there wasn't much change because of the holidays with the January meeting having been cancelled. She stated that Sandy Wong was accepted as the new executive director of CCAG, following Richard Napier leaving. She stated Ms. Wong was mentored by him and was clearly the best candidate. She also stated that their PG&E representative, Jim Cogan, said goodbye. She stated that they did have a new representative from PG&E, and they may need him as they progress with the undergrounding on Palmetto. She reminded everyone that there were openings on the legislative, adding that she would be giving up her position because she was not able to get to the meeting by 5:30. She briefly mentioned the role of that committee. She encouraged other Councilmembers to get involved. She also mentioned that Economic Development was moving forward with good discussions, adding that one thing happening was that the committee, Chemco and the Chamber, along with other organizations, were having a mixer about opening shops in Pacifica at the Linda Mar Shopping Center. She stated that Financing City Services has had two meetings, with updates on revenues and expenses. They were waiting on goal setting to happen to move forward. She stated that the Council of Cities meeting will be on January 25 in Redwood City with a presentation from the director of HEART, adding that they have to sign a non-disclosure agreement. She highly recommended this particular meeting. She stated that the American Legion was having their oratorical contest on Sunday, the 26th. She stated that she was a judge last year and she felt it was a great opportunity to support the high school students in understanding the Constitution and government.

Councilmember Ervin stated that she attended a Financing City Services task force meeting prior to her election to the Council and she is no longer serving. She talked with many people over the holidays who shared their thoughts and opinions on the direction of the City. She attended holiday events, such as the Council of Cities dinner which was an opportunity to meet and network with County councilmembers. She stated she attended an event serving breakfast to public employees to thank them for the hard work they do year round, adding that many businesses contributed to the event and were very much appreciated by all. She attended the

reorganization meeting for the San Mateo County Board of Supervisors, as well as a holiday luncheon by the American Association of University Women with the President of Skyline College as speaker.

Councilmember Digre stated that, she was sick and, unfortunately did not attend many meetings. She did attend the Economic Development Committee and stated that the agenda item regarding the City map was continued to the next meeting. She was concerned about the fact that many meetings were in places where parking was a problem, and she wondered how many people are turned away because of no available parking. She would rather have the meetings more open and televised.

Councilmember O'Neill stated that he attended most of the same meetings, such as CCAG, etc. He was also a guest at the tree lighting ceremony in Rockaway.

Mayor Stone mentioned that, at the Council of Cities, Mayor pro Tem Nihart was elected as Vice Chair. He stated that it was an important position, adding that she needed the support of a majority of San Mateo County cities, and he congratulated her for that. He met with the President of the school board in the wake of the Newtown shooting to discuss any needs that they might have. He explained that the school had the area for which they were responsible but the City provides law enforcement and they want to be available and encourage open communication. He added that school safety would be on their articulation meeting agenda.

ORAL COMMUNICATIONS

Ron Maykel, Pacifica, congratulated the reelected members and new members. He then stated that he was concerned about the highway widening issue, which was in the draft environmental phase by Caltrans. He was concerned that it has not gone to the Planning Commission and he was appalled. He stated that the Planning Commission was appointed by the Council to evaluate land use in Pacifica and he felt they were more qualified than the Council. He stated that they all live in Pacifica, and he felt their input professionally and as citizens should be given to the draft EIR. He stated that many people go before the Planning Commission when adding on to their house and sometimes have to return, yet Caltrans has one of the biggest projects in Pacifica and they aren't being brought before the Planning Commission. He felt that was unfair to the general public and inconsistent. He would like to have them agendize this issue of bringing the EIR before the Planning Commission.

Roger Medler, Pacifica, stated that he will have to keep coming back until they answer some of his questions. He stated that he would like to see legal documents for Seaview Tire and Brake. He stated that he requested them in 2011 and they have never given him anything, adding that it was still de-evaluating his home. He then requested documents again in 2012 and he did not get any. He requested the documents again in December, asking that they tell him why, if they cannot fill his request. He was asking for the minutes of the meeting for the lifts, parking lot, front end alignment, expansion of a non-conforming business. He thought they have to go before the Planning Department to get those okayed. He again stated that he had never gotten any conditions of approval, etc. He mentioned all the agencies he has gone before to get answers, and was told he was in the wrong jurisdiction or it was too long ago. He asked if he goes to the Mayor for these answers. He then congratulated him on being elected mayor.

Therese Dyer, 1408 Crespi Drive, congratulated the new members, adding that it was a breath of fresh air and she could hear them on the microphone. She made a list of her concerns, adding that with the new Council they might be able to get them resolved. She hoped that they

would get a copy of every employee's job description and see that they are abiding by that. She asked that they consult with the City Manager regarding the difference between a general city and a charter city and how they are conducting their business. Because of the many task forces and commissions, and having eliminating the Personnel Commission with no disciplinary action process, she thought several employees got to retire with large checks which cost the city millions of dollars because of their negligence, and she would like to have a new ordinance implemented. She stated that the yellow cards were null and void since she has never received additional information she has requested on the card. She has gone through the public records, and the rule was that they have to respond in writing within 14 days. She then requested that the City Clerk get the written response to her in a few days. She stated that two task forces were publicized in the Tribune, but not the mosquito abatement. She asked if that was the case because it pays \$100 and it was given to the former mayor which would be a conflict of interest, adding that she would like to look into that. She had more to say but her three minutes were up. She felt the shuttle bus was a joke and a misuse of the Transportation Authority money. She stated that she took a ride with only 4 people and the bus driver dropped them off at the parking lot in Linda Mar, and senior citizens had to walk down to the Community Center which was not very nice.

Hal Bohner, Pacifica, stated that he would like to speak on the same subject as Ron Maykel, namely the Caltrans plan for widening Highway 1. He was sure everyone had heard about it, and Caltrans were ready to draft the environmental impact report which was still in circulation. He stated that it was essential that the Planning Commission look at this document and submit comments to Caltrans on it, especially since this project will have the most major impact on the City of most anything that has happened in Pacifica in a very long time, at least doubling the highway and creating a freeway from Reina Del Mar to Fassler, and it will affect businesses significantly along there, including those in West Rockaway. There will be construction for at least two years meaning terrible access for those businesses and he will be surprised if some of them survive. He stated that there will also be incredible impacts on drivers through that area for at least two years. He stated that the impacts are huge and the only way the City was going to have input into what Caltrans does or does not do was to have the Planning Commission and City Council look at the plan and tell Caltrans where the City wants changes done. He asked that they not wait for the final EIR. He felt that was a bad idea, since the "Caltrans train" will have significant momentum, starting their final design with the final EIR, with millions of dollars being poured into that design. He felt the City should have gotten on board earlier to tell Caltrans what we want instead of following what they want.

Tod Schlesinger, Linda Mar, made a few personal comments then congratulated the new members. He agreed with some of the comments by Hal Bohner and Ron Maykel. He asked Mr. Bohner if he was going to sue anyway. He asked if anyone read the paper where Pete Shoemaker of Financing City Services was quoted as saying they need to do something big. He asked Mr. Shoemaker to share that information with the public, adding that he could not agree more.

Anita Rees, Pacifica, reminded everyone that the one-day homeless count was January 24, stating that, if anyone were available, it would be great for them to stop by and walk part or all of the precinct or join her at the PRC at 8:00 when the numbers are coming in. She gave a brief explanation of the process. She stated that the inclement weather program for the county was going through April 15, adding that they presently have about 10-12 people housed at the Pacifica Motor Inn who are chronically homeless. She stated that there were a number of homeless in Pacifica who have deep rooted connections to Pacifica and they were working hard to connect them to services. She mentioned stores who are donating to their drop in program.

She stated that they were also launching their free tax prep, mentioning the requirements. She stated that Vintage Grace Community and Archaic Canon Records were having a benefit for the Resource Center and Coastside Hope at the Sanchez Art Center. She stated that they would be continuing their efforts to help the homeless get housed and healthy food and beyond emergency to financial stability.

Pete Showmaker, Pacifica, stated that he wanted to speak on the Highway 1 project. He stated that there was not that much disagreement but there was unclear information leading to disagreement and name calling. He felt we must get information on the process, who makes decisions, what they are going to do, etc. He felt working together would allow us to ride this out and get the best solution for all of us, which was minimal impact and maximal benefit.

CONSIDERATION

7. City Council 2012 Goals Update
PROPOSED ACTION: Information item no action needed.

City Manager Rhodes presented the staff report.

There were no public comments.

Councilmember Nihart thanked the City Manager for the report which she felt kept them efficient, on track and focused.

Councilmember Digre also felt it was an excellent report but she felt goal setting should be at a public meeting, such as a City Council meeting.

City Manager Rhodes stated that they were public meetings.

Councilmember Digre clarified that she would like them more like City Council meetings that are on TV and with better parking.

Councilmember Ervin also thanked him, adding that they were worthwhile goals and also measurable and attainable as well time limited. She felt they would be accountable which was important, specifically that they do what they say they are going to do to the best of their ability.

Mayor Stone also thanked the City Manager for the report. He thought the Council study session was fruitful, giving them direction and with measurable goals that they will be accountable to accomplish and the community will understand what they directed staff to do. He asked if there were any parking issues mentioned at the last meeting at the police station.

City Manager Rhodes stated that he was not aware of that.

Mayor Stone thought, if there are, they could possibly hold it at a different location.

City Manager Rhodes explained that, with the Community Center, if not scheduled it early, it was usually not available.

Mayor Stone thought they could do it at a school or another location if parking was a problem. He then mentioned the retreat as being something Pacifica had not done since he was on

Council, which was getting away from a meeting such as a Council meeting. He thought such a retreat would allow them to focus on their agenda of directions for the City and talk as a group. He acknowledged that, at a Council meeting when they hear from the public, they cannot comment on them because they were not specifically on the agenda. He stated that he has enjoyed the process.

Councilmember O'Neill thought there would be logistical problems in trying to televise it, mentioning some of them such as having to be tape delayed because of pre-programmed shows. He thought they could discuss it at their meeting and he thought they should stay at the police station on the 26th.

8. City Manager Recruitment - Appointment of City Council Subcommittee
PROPOSED ACTION: Appoint City Council Subcommittee for City Manager Recruitment

Admin. Ser. Dir. Ritzma presented the staff report.

Councilmember Ervin was seeking clarification and asked if they were planning on selecting several members of the Council to go over the process but having all Councilmembers be responsible for selecting the recruiting agency and the manager.

Admin. Ser. Dir. Ritzma stated that the Council would determine the process but it would involve the entire Council for approval of the firm and entering into a contract, as well as the final selection of a candidate.

Mayor Stone stated that usually the City Manager was the point person on everything but, in this process, it was obviously not going to be like that. The subcommittee would solicit proposals for a recruitment firm, select the firm and develop a candidate profile with public input, and also screen candidates. They would then bring it back to the Council.

Mayor pro Tem Nihart thought selection of the recruitment firm would have to come back to Council because it was a decision entering into a contract.

Mayor Stone acknowledged that it would be a recommendation from the subcommittee.

Mayor pro Tem Nihart asked if they were on track with what they were thinking.

Admin. Ser. Dir. Ritzma stated that they were welcome to do whatever they would like to do.

Mayor Stone acknowledged that there were some limitations but he was sure the City Attorney will let them know.

Mayor pro Tem Nihart assumed they would have to have a contract.

Admin. Ser. Dir. Ritzma agreed and added that some of the following steps can or cannot be done by the recruiting firm.

Councilmember O'Neill stated that there were two different ways to proceed, and he asked if they wanted Council to come up with a process and wish list of steps they would like to see put out in the RFP to a recruitment firm or are they saying that Council would give them direction to

create their own RFP and have the recruitment firm tell Council how to recruit a City Manager. He was aware they could do what they want, but he wasn't clear on what they were discussing. He reiterated the question of whether they were going to give direction to what they want in the RFP for firms to respond or tell the firm that they want to hire a City Manager and ask how they would do it.

City Manager Rhodes stated that it was not the proposal. The proposal would appoint a subcommittee.

Councilmember O'Neill acknowledged but added that they could give the subcommittee input on what steps they want to do in creating the RFP. He asked if his understanding was off base.

City Manager Rhodes acknowledged that they could do it that way, but the discussion was for the subcommittee to figure out what they want to do and then come back to Council and talk it out.

Mayor Stone reiterated that the proposal was creation of a subcommittee, then they would report back to the Council on the hiring process, doing a lot of the leg work.

Councilmember Ervin asked how much support did they imagine would be needed from staff.

Admin. Ser. Dir. Ritzma thought it would depend on the process. She explained that, in past recruitments, staff was involved in providing information to candidates and putting together the facility, food, etc., and in many cases, the recruiter handles almost all of that and staff simply books space. She reiterated that it depends on the process they select.

Mayor Stone opened public comments.

Therese Dyer, 1408 Crespi, suggested that they save money on consultants by going back and reviewing what they did to hire Mr. Rhodes. She didn't know if they had to have a firm but she would like to recommend Victor Spano. He was in the economic development committee and she thought he would make an excellent manager. She stated that he was local and they wouldn't have to do a background check on him because he ran for City Council and she thought he would work out well.

Mayor Stone closed public comments.

Councilmember Digre didn't know what Councilperson would not want to be heavily involved in this as it was a serious issue. She stated that this was her fifth manager, although she wasn't involved in choosing the original one. She would hate to see this on a subcommittee and not be involved in the interviews and input of the criteria.

Mayor Stone asked if she meant that the Council should have input on the hiring decision.

Councilmember Digre agreed that input on the hiring was obvious, but she was against a subcommittee because she thought each Councilmember would want to be involved in the criteria template and interviewing each candidate, and then voting, rather than receiving a report from the subcommittee on their choice of the two best.

Mayor pro Tem Nihart stated that she was not inclined to go through the beginning stages on this with the whole Council. She stated that, having gone through this with CCAG and other

staff, she felt this was a screening out process and the Council would interview the final selections. She thought they would have input into that, but she didn't think they could structurally get all five together to do it, adding that they are all public meetings. She was not sure they could do all of that efficiently. She reiterated that usually the consultant does all the work and brings the final candidates to the Council. She thought the proposal was for the subcommittee to do some of that.

Admin. Ser. Dir. Ritzma stated that the proposal was that the subcommittee would determine the process, explaining that in the past staff has solicited the proposals, brought forth consultants, consultants selected, consultant networks and meets with each councilmember, develops the profile, selects candidates through the recruitment process that meets that profile, brings the profile back to Council and with that recommendation brings candidates for interviews.

Mayor pro Tem Nihart asked if what was being recommended was for the subcommittee to do that instead of staff.

Mayor Stone thought it was only the first steps.

Councilmember O'Neill stated that, when they hired the superintendent at the school district, the process used was that they solicited RFPs for recruitment firms to come in and the entire school board looked at all the resumes of the recruiting firms and the school board picked the top 3 or 5. The board interviewed them and picked the recruitment firm. In their RFP, they described their process and they went out and did their job, getting 30 applications. They then put the resumes in the boxes, one with recommendations that they fit the bill, one where they almost fit and the last for those they didn't think were right. He stated that each member reviewed them and picked their top five, resulting on about six being the top. Then they met to interview all them. He then referred to Councilmember Digre's concerns, stating that the full board had input on the recruiting the firm, input on the finalists and all interviewed the finalists. He stated that, on talking to our City Manager, one issue was that applicants don't want their present Council to know they are looking for another job so the process must be confidential.

Councilmember Ervin agreed that their process worked well, but they did have an individual overseeing the process. She thought the staff selected the top agencies and they looked at the resumes, selecting four for work study sessions. She thought that a recruiting agency was vital to the process, but one board member oversaw the process. While she liked that process, she emphasized that City Council and community input was very important.

Mayor pro Tem Nihart asked the City Attorney if she had issues with anything she has heard.

City Attorney Kenyon agreed that the Council can determine the process, adding that there were a couple of main points for the Council to keep in mind, specifically, involvement of the full Council required a public open meeting, however, once you have actual names of candidates to discuss, then that can go into closed session. She stated that the period of time of selecting a recruiter and discussing the process must remain in the public unless they appoint a subcommittee who can deal with processing that may not require a fully agenda item at a meeting. She understood from the staff report that they were looking at a subcommittee to perform more of staff's responsibilities, since she didn't think they wanted to get the City Manager involved in that process. She thought they could construct a subcommittee with a limited role or work with staff to create the RFPs but, once they have firms to be interviewed, it would be moved to a full Council meeting to discuss those firms. She thought that, once they

select a recruiting firm, that firm would be doing the majority of the work and they could or could not keep the subcommittee.

Mayor pro Tem Nihart mentioned that government has different rules than the private sector, and she thought the consulting firm took care of conforming to the rules.

City Attorney Kenyon agreed that there were a lot of regulations that Council and staff needed to abide by which was why they would hire a recruiting firm that can guide them to be sure they comply with the rules.

Mayor pro Tem Nihart liked the process the City Attorney mentioned, and she acknowledged the fact that people in current jobs would not want the process being public. She mentioned that she liked the process they followed when hiring the new Planning Director.

Mayor Stone referred to the steps, getting the recruiter, soliciting, Council's desired process and the interviews and mentioned that they needed to get started because of the urgency due to the time available. He thought the process would involve at least three study sessions prior to returning to the Council for recommendation.

Councilmember O'Neill stated that there were public meetings but it wasn't public until they had the resumes and were interviewing the final candidates. He stated there was a full meeting of the board to interview the recruiting firm who then did their job. The board then looked at all the resumes and met to rate the individuals with only three meetings and only one public meeting. He thought they should look at April as a deadline to make an offer to someone since they will have give notice to their present employer.

Councilmember Digre asked if they were going to use the same criteria for prospective City Councilmembers or something different.

Admin. Ser. Dir. Ritzma stated that, on dealing with recruiters on a regular basis, such as the Planning Director recruiter, they got input from staff, City Manager, and other individuals to develop the profile for the ideal candidate.

Councilmember Digre asked what they were talking about.

Mayor Stone stated that, if the Council chooses to be involved in all the steps, they would give direction. If a subcommittee, then they would give the direction, which was basically giving a candidate profile.

Admin. Ser. Dir. Ritzma stated that the recruiter can talk to whomever the Council requests that they talk to in order to develop the profile.

Councilmember O'Neill thought they should get a sense from the Council of subcommittee or o subcommittee.

Mayor pro Tem Nihart stated that the only part she heard was from Councilmember Ervin which was about someone who oversaw the process and she asked if that was a board member.

Councilmember Ervin stated that it was a board member and was board intensive in itself, in getting agencies, applications, etc.

Mayor pro Tem Nihart stated that she was hearing that the whole Council would not be involved. She could see that the work was onerous and she questioned whether they have staff or Council do it or a combination.

Councilmember Ervin went over the various processes, and concluded that they needed to get a subcommittee, hire the recruiting agency and they can tell them the pros and cons of the subcommittee deciding or the entire Council.

Councilmember Digre asked the Admin. Ser. Director to summarize how they did it the last time.

Admin. Ser. Dir. Ritzma stated that there were 12 maximum recruiting firms that do City Managers. She put out a proposal to them, got them back, reviewed, staff made 3 recommendations, Council chose the firm and that firm implemented the entire process and met with each Councilmember on what they would like to see in a candidate, a profile created and she worked with the recruiter on the brochure, and the recruiter solicited and screened resumes, Council selected top 6 for interviews and final candidate was invited back and Council made final decision.

Councilmember O'Neill asked if they were saying the subcommittee would weed out the recruiting firms or the candidates.

City Attorney Kenyon stated that the subcommittee would also weed out the candidate but we can do anything we want.

Councilmember O'Neill acknowledged they could do anything they want, but he wanted to be clear on what was being said.

City Attorney Kenyon didn't mind if the subcommittee weeded out the recruiting agencies and gave the top 3 or 4, then together with the recruiting agency they decide how to go about the candidates.

Councilmember O'Neill stated that he was not comfortable with the subcommittee weeding out the candidates, although he was comfortable with them weeding out the recruiting firms and giving the Council 3 or 4 from which to choose.

Mayor Stone thought they would probably end up getting a couple because there are only about a dozen. He didn't imagine getting 5 or 6, but rather 2 or 3. He concluded that they would delegate to a subcommittee to recruit recruiting firms and then make a recommendation to Council about the final firms. Council will choose the recruiting firm who would then propose a process that the subcommittee would recommend for submission to Council. He felt that was as far as he see the subcommittee without more direction from Council.

Mayor pro Tem Nihart stated that was what she was going to move that they do, clarifying that they take the same beginning pieces described by Admin. Ser. Director with more involvement of the Council in that process. She added that the City's salary was going to weed out a lot.

Councilmember O'Neill stated that they faced that same problem in the school district and he thought they would have assistant managers apply.

Mayor Stone asked if they had a consensus to establish a subcommittee to give recommendations on a recruiting firm.

Councilmember Digre thought they were saying firms.

Councilmember O'Neill moved to appoint the City Council subcommittee to assist staff in the recruitment of recruitment firms and bring a recommendation of three or four back for full Council consideration of hiring; seconded by Mayor pro Tem Nihart.

Mayor Stone asked if they have this motion or establish a subcommittee within the one motion.

City Attorney Kenyon stated that they could do it in one motion if they know who they want to be on the committee or they can do it in two motions, first establishing a subcommittee as described, then following passage of that motion, they can have a second motion appointing two councilmembers to the subcommittee.

Mayor Stone stated that usually the presiding officer would do it and he would like to be on the subcommittee.

Councilmember O'Neill stated that there was a motion on the floor and he asked if they were going to vote on it or amend it.

Mayor Stone reiterated that he would like to be on the subcommittee along with Mayor pro Tem Nihart and he would ask the maker of the motion to amend his motion to put that in.

Councilmember O'Neill moved that the City Council appoint the subcommittee consisting of two members, specifically Mayor pro Tem Nihart to assist staff in soliciting recruiting recruitment firms and the subcommittee will bring back to the full Council 3-4 firms to interview and possibly hire.

Mayor Stone stated that the subcommittee would be Mayor pro Tem and Mayor Stone.

Councilmember O'Neill stated that it was okay and he missed that part.

Mayor pro Tem Nihart approved of the amendment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mike O'Neill, Councilmember
SECONDER:	Mary Ann Nihart, Mayor pro Tem
AYES:	Stone, Nihart, Digre, Ervin, O'Neill

9. Award of Contract for an Organizational Effectiveness and Efficiency Study of the Pacifica Police Department

PROPOSED ACTION: Authorize City Manager to execute a contract not to exceed \$34,500 with Matrix Consulting Group for an Organizational Effectiveness and Efficiency Study of the Pacifica Police Department.

City Manager Rhodes presented the staff report.

Mayor Stone opened public comments.

Therese Dyer, 1408 Crespi Drive, wanted to go on record that she opposed spending all the money on consultants. She felt they were educated and should be able to make some of these

decisions themselves. She stated that the reason she brought up the charter/general cities and job description of police chief was that they conflict with each other. She stated that, unless Pacifica becomes a charter city, she didn't see how they eliminate the police chief. She stated that they have already spent \$22,000 on a study and a police chief who told them it was not economically feasible. She then added that he was next in line for City Manager and would have to take over if the City Manager got sick. She stated that, if the Council didn't trust him, too bad.

Mayor Stone closed public comments.

Councilmember O'Neill stated that he was reluctant to spend the money on this project because he felt they spend a lot of money on consultants. He thought they have a combined experience of 40 years between the police chief and captain and he again was reluctant, not thinking that they would be getting the "bang for the buck."

Councilmember Ervin thought we all knew how important it was to use our money wisely and hoped we garner more money in the long run from this expenditure than we were now. She stated that the police department was almost one-third of the City's budget and she felt there might be places where we can generate the savings and she thought it was worth going for it and making sure everything was as wonderful as they think it is.

Mayor pro Tem Nihart concurred with that comment. She had heard a few things about consultants, such as they have cut staff to such an extent that they have to hire specific tasks to be done because we don't have the expertise. She commented that she handled more money than this in her other life but she didn't have the expertise to talk about the efficiency of the police. She stated that reviewing yourself is extremely hard, and as much as she thinks the world of Police Chief Tasa and the police department, and she wasn't sure she could do that self evaluation. She stated that they have set the money aside specifically for this, reminding everyone that they have a lean police force and she felt we needed to show the public that, and she was in support.

Councilmember Digre stated that, based on what the previous Council learned about outsourcing, she felt they needed the expertise of an objective eye.

Mayor Stone stated that he has gone back and forth. The last time, he wanted to give the Police Chief a chance to look at efficiencies. He felt that, if he came back and said everything was fine, he would have a problem because there are always some efficiencies possible. He has appreciated how the City Manager has been able to pay for this without affecting the General Fund and he thought it would be beneficial. He also agreed that it was quite a bit of money and he was not going to support it at this time.

Councilmember Digre moved to authorize the City Manager to execute a contract with Matrix Consulting Group in an amount not to exceed \$34,500 for an organizational effectiveness and efficiency study of the Pacifica Police Department and provide budget authorization for funds to cover the cost of the contract in General Fund nondepartmental; seconded by Councilmember Ervin.

Mayor pro Tem Nihart asked how they go to the public and say they have done everything they can to make sure that their department is as efficient as possible, which is what she thinks about on this vote. She agreed and understood the equivocation but she wanted to make sure she has done everything she possibly can.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Sue Digre, Councilmember
SECONDER:	Karen Ervin, Councilmember
AYES:	Nihart, Digre, Ervin
NAYS:	Stone, O'Neill

10. Resolution Approving Tablet Computer Use Policy for City Council Members and an Electronic Communications and Data Devices Policy
PROPOSED ACTION: Adopt the resolution approving the tablet computer use policy for City Council members and the electronic data devices policy.

City Clerk O'Connell presented the staff report.

Councilmember Digre referred to Administrative Policy 57, and she wondered about the fact that it refers to City staff, but they were dealing with the Council. She asked if that means the City Attorney.

City Attorney Kenyon stated that, because it was the City tablet, it would be assumed that the email and other communications on the tablet were for City business. If someone were to make a public records request for all communications on a certain subject matter, that tablet would be subject to disclosure.

Councilmember Digre asked about the conversations between a Councilmember and an attorney.

City Attorney Kenyon stated that would continue to remain privileged communication.

Councilmember Digre concluded that they could still do that through the tablet.

City Attorney Kenyon responded affirmatively.

Mayor pro Tem Nihart stated that she had planned to use her own and they would have to buy one less, however, she was concerned because it was pointed out that everything was on one tablet.

City Attorney Kenyon recommended that all Councilmembers use the city-issued tablet to conduct all of their City business or any written documentation related to City business so that, if someone were to make a public records request, the only place they would have to search was the City issued tablets as opposed to their personal devices.

Mayor pro Tem Nihart asked if there would be a city account on them.

City Clerk O'Connell stated that she was correct. They would be issued a City email account to use with the tablets. She asked the MIS Manager if he wanted to elaborate on that.

MIS Manager Vandehey stated that each tablet has a wireless access along with a Verizon account.

Mayor pro Tem Nihart asked if they will have a nice, crisp, white, retinal display.

MIS Manager Vandehey responded affirmatively. He had an example of one. He added that they would include cases that include keyboards as well.

Councilmember Ervin stated that she was going to ask a question covering personal use, but it was covered for her. She thought it was a great thing in terms of saving staff time on copying papers, as well as not using all that paper. She thought that was an incentive also.

Councilmember O'Neill stated that he has a City email but he has it forwarded to a Yahoo account because he was comfortable with it and knows how it works, etc. He asked if he was still able to do that, with the Yahoo account being subject to public records request also.

City Attorney Kenyon stated that it would, but he didn't have to get it.

Councilmember O'Neill stated that it was a specific Yahoo account just for City business.

City Attorney Kenyon stated that he can still use it and it would be subject to disclosure if he was using that account for public City business.

Mayor Stone opened public comments.

Chris Fogel, Linda Mar, stated that he read through the administrative policy quickly and didn't see anything about the ability to remotely wipe the tablets, and he urged that there be a security policy in place that, if they were going to be dealing with attorney/client privileged material and other privileged communication, the City have the ability to remotely wipe a tablet in case it is lost or misplaced.

City Clerk O'Connell stated that it was mentioned in the electronic use agreement. They will be, upon return or for maintenance, as well as remotely, they will be wiped.

Mayor Stone closed public comments.

Councilmember O'Neill admitted that it was nice, adding that the school district did it about four or five years ago, and they saved over \$5,000. He thought it was nice that they put a smart board in the boardroom, and thought they should consider it here so the public would actually see the same documents on screen that the Council would see. He added that they could talk about that in goal setting.

Mayor Stone thanked the City Clerk for all her work on this. He mentioned that he and the City Manager were crunching numbers about a year ago to make this work and be cost effective. He thought it would be very efficient. He stated that, when he sees a huge Council packet, he cringes. He felt that, for a community that values wasting less, this was a good step in the right direction. He also felt it would be a lot more efficient for staff and Council. He asked clarity, asking if they buy their own tablets, it was still subject to the public records request.

City Attorney Kenyon stated that it was only if they conduct City business on the private tablets or private computers in which case they would also be subject to disclosure in terms of looking for emails related to the specific request.

Mayor Stone asked if tablets create that avenue.

City Attorney Kenyon stated that, whatever device they use to conduct City business, that device would be subject to review and disclosure if they are looking for items subject to the public records act request.

Mayor Stone assumed it was not creating more exposure, just notifying them of the same exposure.

City Attorney Kenyon stated that it was actually allowing them to reduce exposure to giving up personal devices for review in the event of a public records act request.

Mayor Stone assumed that they can compartmentalize this.

City Attorney Kenyon responded affirmatively.

Mayor pro Tem Nihart referred to the comment about remote, stating that she did not see that. She saw the wiping but the issue about remote was that you can clean it if it was lost or stolen. She asked if that came with the Verizon account.

City Clerk O'Connell asked the MIS Manager to address that.

MIS Manager Vandehey stated that it was a feature that was available with a Verizon account and it was also a feature available through the internal networks.

Mayor pro Tem Nihart assumed that it would be password protected but, if it was lost or stolen, being able to remotely wipe it is a good thing.

Councilmember Digre asked, if you use your own computer and the computers need to be confiscated, whether your personal account would be held up. She asked how long it takes to wipe something clean or determine what on your personal account was subject for review and clean up. She added that, at her work, she was told if they use their personal computer and their business wants to confiscate it for any reason, anything personal on it would be tied up as well.

City Attorney Kenyon stated that the device would be reviewed by staff personnel for a period of time to search for whatever public records were being requested. She thought it would only be out use for the period of time it took to search for those particular records.

Councilmember O'Neill referred to mention of a Verizon account, and asked if it would be best for them to be notified in their email that the packet was ready and then download it. If they were sitting in the doctor's office and you want to read your packet, are you using minutes or is it an unlimited account.

MIS Manager Vandehey stated that it was unlimited data usage and they would not have to be paying extra for large amounts of downloads. He stated that it will try to use a Wi-Fi network if one is available but, if one is not available, it will go for the Verizon account.

Councilmember O'Neill thought, if taking it home or to his office, he should probably put those passwords in and use those accounts when in the office or home.

MIS Manager Vandehey responded affirmatively.

Mayor Stone asked if these were restricted for City use, which means there are no games, etc. He stated he wanted the public to know that they are not buying toys.

City Attorney kenyon stated that it was in the policy that there would be no personal use on the City issued tablets which was strictly for City business and was why the City was able to confiscate and review at any time to be sure that it is being used for City business.

Mayor pro Tem Nihart stated that she was ready to make a motion but, regarding Section 3, she went right over it since she saw it as a part of the repair process, not that, if you lost it, it could be wiped electronically.

Mayor pro Tem Nihart moved that the City Council adopt a resolution approving the tablet computer use policy for City councilmembers and the electronic data device as policy; seconded by Councilmember Digre.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Ann Nihart, Mayor pro Tem
SECONDER:	Sue Digre, Councilmember
AYES:	Stone, Nihart, Digre, Ervin, O'Neill

11. Selection of City Council Liaison and Committee Assignments for 2013
PROPOSED ACTION: Modify listings for liaison committees and assignments for 2013

City Clerk O'Connell presented the staff report.

Mayor Stone mentioned that the previous process left a lot to be desired, and he suggested that they should make strategic decisions based on their strengths and community ties, etc. He passed out a proposal to City Council, then explained the thinking behind it.

Mayor pro Tem Nihart asked if they still had to find alternates for these.

Mayor Stone responded affirmatively. He then asked that they look at the committees under their names and they can discuss what they would like to do or not do, they can discuss it. He didn't include the fireworks task force and the beautification committee, with no liaison actually set up for the beautification committee. If they want one, they can do that. He asked the City Manager for confirmation that there is no liaison on that committee.

City Manager Rhodes said there was not, and if the Council wants one, they need to go back and amend the resolution creating the advisory committee. He thought the task force did not recommend that there be a liaison.

Mayor Stone stated that Mayor pro Tem Nihart had been active in that community but if they don't want it, that's fine. He stated that the fire works task force had not been established yet which was why he didn't put it on his list. He thought they can designate someone after it has been established.

Mayor pro Tem Nihart stated that CCAG was heavy lifting along with Vice Chair of Council of Cities. She was amazed at how much time it takes.

Mayor Stone stated that a lot were monthly and some only meet 3-4 times a year. He thought there were a few like that under Councilmember Digre's list.

Mayor pro Tem Nihart commented that all the CCAG Committees have to be applied to. She was happy to support someone but she would have to resign first because they won't put two on. That would not be on Councilmember Ervin's list.

Councilmember Digre stated that he had North County Fire for two of them.

Mayor Stone stated that there were two seats.

Councilmember Digre acknowledged that there were two, but then she said there were two for the Peninsula Congestion Relief.

Mayor Stone thought that was a typo.

Councilmember Digre stated that she was not pleased to be taken off ABAG or Economic Development.

Councilmember Ervin stated that she appreciated the importance of all of them attending countywide committees, as well as local committees. She asked what the terms were for serving previously, such as every two years.

Mayor Stone stated that there hasn't been any Council rotation policy that he knew of but normally they stay on the committee.

City Manager Rhodes stated that they bring the list back every year but there was no set term other than the Colma Committee for which their rules require four-year terms.

Councilmember O'Neill asked if there was supposed to be a Chamber of Commerce committee member.

Mayor Stone stated that the Chamber didn't want a City liaison anymore.

Councilmember O'Neill stated that he was on the Library Foundation board and he planned on staying on it. He stated that, on occasion there would be three Councilmembers for the subcommittee. He reiterated that he planned on staying on the Board of Directors.

Mayor Stone stated that he wasn't sure that the Library Foundation subcommittee met with the Board of Directors. He stated that he wasn't sure what Eric's official title was but a representative of the Library Foundation should comment on that.

Mr. Ruchames Stated that typically the liaison committee was the President of the Foundation, a couple of foundation officers and the opposite numbers, so typically the entire board does not meet. Unless they became an officer of the Foundation, he didn't think that would be a conflict.

Mayor Stone stated that he was active in the library which was why he suggested the JPA. He thought it was good for another Councilmember represented on that just for diversity as they push for a new library. He stated it was up to the Council.

Councilmember O'Neill asked if the dinner they attended in Colma was CCAG.

Mayor Stone stated that it was the Council of Cities.

Councilmember O'Neill stated that he then got emails from the Peninsula League of Cities.

Mayor pro Tem Nihart stated that it was the League of California Cities.

Councilmember O'Neill concluded that they were two different organizations.

Mayor pro Tem Nihart stated that he would get indoctrinated into that this week.

Councilmember O'Neill was concerned about a conflict, and the City Manager told him he should be with the Economic Committee. He asked if we weren't doing anything with them.

Mayor pro Tem Nihart stated that she was very active with the league such as on Prop. 22. They were more the political, legislative and more active in the propositions. They supported Prop. 22. She stated that she was part of the subcommittee that put that forward. She stated that was the role of the league, very different, and it was a "nice to do" as opposed to a "need to do." She stated that the Council of Cities was originally known as the San Mateo County City Selection Committee and organized all the votes for MTC, TA, etc., and they have to elect a Councilmember that was countywide. She stated that the League of California Cities has a peninsula division that goes down to San Jose.

Councilmember O'Neill just wanted clarification.

Councilmember Digre stated that, before, the list was brought to them and they were asked what organization they were interested in joining.

Mayor Stone stated that he was trying to get some diversity on county serving boards, and he looked it as he would serve on two, Mayor pro Tem Nihart on two, Councilmember Digre on six, Councilmember O'Neill on two and Councilmember Ervin on three.

Mayor pro Tem Nihart stated that they still have to select alternates.

Mayor Stone suggested that they select the main ones, then select the alternatives. He stated that the Peninsula Congestion Relief had both their names.

Councilmember Ervin stated that she was not on CCAG and would have to apply for it, but she would like to keep one countywide which was important to her.

Mayor Stone understood, adding that he noticed that Councilmember Digre had nine committees and he was trying to lighten the load.

City Clerk O'Connell suggested that they designate a primary when there is more than one and an alternate, and they can revise the list and come back at the next meeting and decide on the alternates.

Mayor pro Tem Nihart moved that they approve the selections, with the correction of taking off the Beautification Advisory Committee, taking off CCAG for the alleged committee and removing the Peninsula Congestion for Councilmember Digre.

Councilmember Digre asked if she knew the other boards on her list.

Councilmember Ervin asked how she felt about what was most important to her.

Councilmember Digre stated that she liked the Congestion Relief group because she likes to be part of transportation.

Councilmember Ervin thought there were others such as emergency preparedness, etc.

Mayor Stone stated that, if she was trying to get a countywide committee, there was Hope, Heart or Airport Roundtable. He also thought she could do the Emergency Services Council, which was countywide.

Councilmember Digre asked if it would fit with her work, because she thought that it met early.

Mayor Stone thought that the Emergency Services Council met 8 a.m. to 9:30 five times a year.

Councilmember Digre thought the Congestion was 8 a.m. and Emergency Services was in Redwood City at 5 p.m.

City Clerk O'Connell responded affirmatively.

Councilmember Digre stated that the one that met at 6 p.m. was the MPA but she thought she was on that.

Councilmember Ervin thought she would be able to do Emergency Services Council for San Mateo County.

Councilmember Digre stated that it was on a Thursday at 5 .m.

Councilmember Ervin stated that she could do that one if Councilmember Digre was okay with that.

Mayor pro Tem Nihart stated that they took off Beautification but she was Vice Chair of the Council of Cities, and they added Peninsula Congestion but took off Emergency Services Council from Councilmember Digre. Councilmember O'Neill stayed the same. CCAG ledge can't be on but Peninsula Congestion Relief was off of Councilmember Ervin and Emergency Services Council of San Mateo County was on, and she moved approval of the list.

Councilmember O'Neill stated that there was one on his list that was not on Mayor Stone's list, Advanced Life Support.

Mayor Stone stated that it was on, and was under Councilmember Ervin's name, San Mateo County JPA Advanced Life Support.

Councilmember Ervin seconded the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Ann Nihart, Mayor pro Tem
SECONDER:	Karen Ervin, Councilmember
AYES:	Stone, Nihart, Digre, Ervin, O'Neill

ADJOURN

Mayor Stone adjourned the meeting at 9:09 PM in the memory of Ferd Simons.

Mayor pro Tem Nihart mentioned that some cities put the committees on the website so the public knows what committees they are on, and asked the City Clerk if we could do that.

City Clerk O'Connell responded affirmatively.