



**CITY OF PACIFICA  
CITY COUNCIL MINUTES**

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

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

**December 09, 2013 (MONDAY)**  
**www.cityofpacifica.org**

Councilmember Len Stone called the meeting to order on December 9, 2013 at 7:00 PM

**CLOSED SESSION - NONE.**

**7:00 PM OPEN SESSION**

Call to Order

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

Staff Present: Lorie Tinfow, City Manager; Michelle Kenyon, City Attorney; George White, Planning Director; Van Ocampo, Public Works Director; Jim Tasa, Police Chief; Joe Spanheimer, Police Captain; Dan Steidle, Police Captain; Bill Wilson, Battalion Chief; Ron Meyers, Fire Chief; Rich Johnson, Deputy Fire Chief; Mike Perez, PB&R Director; Kathy O'Connell, City Clerk.

Salute to the Flag led by Councilmember Ervin

Closed Session Report

**CONSENT CALENDAR**

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

1. Approval of Minutes  
**PROPOSED ACTION:** Move to approve the minutes of the November 25, 2013 regular City Council meeting.
2. Proclamation Confirming Existence of a Local Emergency

**PROPOSED ACTION:** Accept current photos as of November 26, 2013.

3. Adoption of an Ordinance Adopting the 2013 Edition of California Building Standards Code with Local Amendments, Finding the Action is Exempt from CEQA (Second Reading).  
**PROPOSED ACTION:** move to adopt an ordinance entitled "An Ordinance of the City Council of the City of Pacifica Repealing Chapters 1 ("Building Code"), 2 ("Mechanical Code"), 3 ("Plumbing Code"), 4 ("Electrical Code"), 5 ("Uniform Code for the Abatement of Dangerous Buildings"), 6 ("Manufactured Housing"), 7 ("Housing Code"), 8 ("Residential Code"), and 21 ("Green Building") of Title 8 ("Building Regulations") of the Pacifica Municipal Code, and Adding Thereto New Chapters 1 ("Building Code"), 2 ("Mechanical Code with all Appendices"), 3 ("Plumbing Code with all Appendices"), 4 ("Electrical Code"), 5 "2012 International Property Maintenance Code", 6 ("Energy Code"), 8 Residential Code", 21 (California Green Building Standards Code"), and Repealing Article 1 ("California Fire Code") of Chapter 3 ("Fire Protection") of Title 4 ("Public Safety") of the Pacifica Municipal Code and Adding Thereto a New Article 1 ("Fire Code"), and Making Amendments Thereto"
4. Approval of Amendment 1 to Brown and Caldwell Agreement  
**PROPOSED ACTION:** Authorize staff to sign the attached Amendment 1 to the Consultant Services Agreement for the Wastewater Force Main Condition Assessment Project with Brown and Caldwell.
5. Authorization for Staff to Develop Contract with a New Life and Disability Plan Administrator  
**PROPOSED ACTION:** Authorization for Staff to Develop Contract with ING for Employee Life Insurance and Long Term Disability Benefits.
6. Resolution for a New Dental Plan Administrator  
**PROPOSED ACTION:** Adoption of a Resolution Approving a Memorandum of Understanding with CSAC Excess Insurance Authority for a Dental Program with Delta Dental.
7. Approval of Consultant Services Agreement Between the City of Pacifica and Community Service Group (CSG) for Engineering Staff Augmentation Services.  
**PROPOSED ACTION:** Approve the Consultant Services Agreement between the City of Pacifica and Community Service Group (CSG) for Engineering Staff Augmentation Services (Attachment 1) for an amount not to exceed \$60,000 and authorize the City Manager to execute the agreement.
8. Adoption of Resolution Declaring the Results of the Special Municipal Election of November 5, 2013  
**PROPOSED ACTION:** Move to adopt the resolution next in order entitled "A Resolution of the City Council of the City of Pacifica Reciting the Fact of the Special Municipal Election Consolidated with Statewide Consolidated Elections on November 5, 2013, Declaring the Results of Said Election Held on November 5, 2013 and Taking Such Other Actions as Provided by Law".



- 9. Review of AB1600 Development Fee Accounting Information  
**PROPOSED ACTION:** Review the City of Pacifica Annual Report of Development Fees and Expenditures for the year ended June 30, 2013 (Attachment 1) and direct the City Clerk to retain this report in the official records of the City.
  
- 10. Approval of Funding Agreement Between the City of Pacifica and San Mateo County Transportation Authority (SMCTA) for the Construction Phase of the Route 1 San Pedro Creek Bridge Replacement Project.  
**PROPOSED ACTION:** Approve FUNDING AGREEMENT SAN MATEO TRANSPORTATION AUTHORITY MEASURE A FUNDS ROUTE ONE SAN PEDRO CREEK BRIDGE REPLACEMENT; and authorize the City Manager to execute the agreement

**SPECIAL PRESENTATIONS**

**PUBLIC HEARINGS**

**COUNCIL COMMUNICATIONS**

Mayor pro Tem Nihart mentioned ABAG and the one Bay Area Planning process beginning in 2014, stating that she would be mentioning more at the next Council meeting, adding that now was the time for Pacifica to be more involved.

Councilmember Digre expressed condolences to the Gust family for Nick Gust's passing. She mentioned that the Pacifica Historical Society had a meeting and conferred the Grace McCarthy Award on Shirley Gibbs for the job she does keeping Pacifica alive and well. She stated that she and Councilmember Ervin attended the sea level rising meeting, adding that it was excellent. She stated that they will be having ongoing talks about sea level rising. The thrust of the meeting was not to just talk about it but start now planning for the benefit of future generations. She also stated that she attended the Elf Market, thanking everyone who contributed to making that a successful event. She extended happy holidays to everyone.

Councilmember O'Neill wished everyone a happy holiday season. He stated that he attended the Rockaway Beach tree lighting.

Mayor Stone explained that Councilmember O'Neill was Santa Claus.

Councilmember Ervin stated she also attended the holiday tree lighting, adding that it was a great turnout in spite of the rain. She appreciated being part of something so festive. She also attended the Rockaway tree lighting. She thanked the Chamber for organizing that. She mentioned that she had attended the sea level rising meeting and wanted to mention some of the issues raised and possible solutions, such as underestimation of sea level rise in the next 100 years. She also sent her condolences to the Gust family, commenting on his contribution to the City.

Mayor Stone stated that he didn't have anything to report from his committees. He thanked staff for the tree lighting and the Rockaway merchants and Chamber of Commerce for the Rockaway tree lighting, especially the staff working on it during the rain. He thanked everyone for mentioning Nick Gust and the Gust family, adding his condolences to the family. He stated that



he would be adjourning the meeting in his honor, adding that he has touched a lot of people in the community.

Mayor pro Tem Nihart mentioned that they will have the Council and former Council members organizing an event for the employees on December 18 at the police department. She stated that they were excited about all the contributions and entertainment.

### ORAL COMMUNICATIONS

**Laura Fanucchi, San Mateo**, from HIP Housing, stated that she did a presentation earlier in the year and was present with a gift of the HIP Housing 2014 calendar, explaining the process of picking the pictures from children for the calendar. She thanked everyone for their support and hoped they enjoy the calendars.

**John Mardello, Pacifica**, reported on his concerns about the situation at the Pacific Skies Estate, mentioning that, if it were not that he had paid off his home, he would not be able to afford to stay. He explained what has been happening and asked the City for help otherwise he and others in a similar situation will be homeless.

**Debra Mallan, Pacifica**, stated that she has lived in Pacific Skies Estate for 25 years. She stated that she worked hard to get a rent stabilization ordinance in 1991. She stated that, on hindsight, if she had continued fighting for vacancy control, the park wouldn't now own 78 of the 93 homes in the park, adding that the remaining homeowners now face an \$1100 rent increase. She stated that this situation is happening in many cities in California where rich landowners are preying on the weak and vulnerable, adding that she sees Pacifica as weak and vulnerable also. She has concluded that the residents were not the targets of the attack. While they will be the victims, the target has been the City of Pacifica and the rent stabilization organization. She pointed out the details of the process happening with the owners, and read part of a speech the park's attorney gave explaining how they will be successful at beating the owners and the city.

**Mark Shaposhnikov, Pacifica**, stated that he got an alarm permit renewal and asked whether it was considered a tax, assessment or fee.

Mayor Stone stated that they were not allowed to have a dialogue now but would get him some answers after the meeting.

**Bernie Sifry, Pacifica**, complimented the Council, stating that they have gotten a lot done for the City in spite of what they were left with from prior Councils who spent money as if it was water. He stated that they should enjoy the holidays for the hard work they have done, and to be sure they know it is recognized and appreciated.

**Tod Schlesinger, Linda Mar**, stated that he should be the poet laureate and it was time for his Christmas poem, and he gave his rendition of "Santa Claus is coming to town," giving his opinions on why Santa was not coming to town.

**Martin Anaya, Pacifica**, of Pacific Coast TV, mentioned that there were many great ideas discussed at the recent study session. He stated that many things mentioned were already being done by PCT and others could be done better. He would like to get together with the new City Manager and share his suggestions. He then invited everyone to their PCT party the following evening.



Don Horsley, President of the Board of Supervisors, commented on the progress on the Devil's Slide area, and stated that he looked forward to working with the new mayor.

Courtney Conlon, Pacifica, CEO of Pacifica Chamber of Commerce, thanked all the City Councilmembers for being present for the Rockaway tree lighting. She also thanked the City Manager and staff for working on the project. She thanked "Santa Claus," adding that next year they will have elves for him. She also thanked Darlene Gonzalez for her great job of bringing all the Rockaway merchants together. She stated that next year's event will be bigger and better. She again thanked everyone. She stated that the Chamber of Commerce will be hosting a meet and greet with the new City Manager at Nick's on Thursday and their member appreciation event will be the next day at the Chamber. Then, on behalf of the Gust family, she thanked the Council for their thoughtfulness. She added that the Chamber will miss his calls.

**CONSIDERATION**

City Clerk O'Connell presented the staff report.

Mayor pro Tem Nihart asked if Karen Ervin did a letter for appointment to the Domestic Violence Council representing Pacifica.

City Clerk O'Connell stated that she did a letter but it was not received in time so it will have to be handled at the meeting. She added that she was eligible and can be nominated from the floor at that meeting.

There were no public comments.

Mayor Stone asked confirmation that this position was the only one being contested.

City Clerk O'Connell responded affirmatively.

Mayor Stone asked that someone offer a motion that they support the list and Councilmember Ervin.

Mayor pro Tem Nihart moved that they accept the list and obviously support of Karen Ervin, She added that it was a little tricky to be nominated from the floor and she asked for suggestions.

Councilmember Ervin seconded the motion.

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Mayor Stone suggested that, at a future meeting, they discuss how to organize these.

- 11. Consideration of Appointments by the City Selection Committee and by the San Mateo Council of Cities (Letters of Interest and Meeting Agenda to Follow)  
**PROPOSED ACTION:** Staff recommends that Council give direction to the Mayor, as the voting member on the City Selection Committee, or the Council member holding the Mayor's proxy, regarding the appointments at the December 13, 2013 City Selection Committee meeting.

ADJOURN TO THE REORGANIZATION OF THE CITY COUNCIL

Mayor Stone adjourned the regular meeting in honor of Nick Gust.

REORGANIZATION

Mayor Stone asked the City Attorney for clarification because, on the agenda, there was no public comment section.

City Attorney Kenyon stated that adjourning to the reorganization was a technicality and it was still part of the regular agenda.

Mayor Stone, as outgoing mayor, thanked the Council for electing him mayor and showing confidence in him. He looked at his notes from the beginning of the year, looking at what they hoped to accomplish. He stated that one thing he mentioned that the year was going to be about doing a lot of planning and setting the track for the City to move forward. They didn't have plans established and this year was about taking their plans from goals to actual plans and then in the future implementing the plans. He mentioned some of the things discussed, stating that they were almost done. He was looking forward to the next step. He was sure the new mayor will champion and lay the track and move forward. He was proud of the work done by the Council, mentioning projects bringing money to the city. He commented that he didn't know they would be finding a new City Manager, adding that, as Mayor, you are responsible for making sure things happen but he felt they were happy with the results. He mentioned that they will be having very difficult things coming up in the new year financially, adding that it was a relatively new Council and they had done a good job. He felt they all did a good job pushing in one direction and he hoped it continued through the next year. He added that it has been an honor and pleasure for him.

Mayor pro Tem Nihart thanked the mayor for all his hard work and his dedication. She felt he was a mayor who behaved as she felt a mayor should behave. She felt he chaired the meeting and didn't make any decisions on his own but set the tone. She felt he organized projects in the way that made the work of the Council much easier. She felt he had been an outstanding face of the Council. She thanked him for the goal setting workshop meeting which was a wonderful beginning to get them on track. She thanked him for continuing the mayor walk. She felt his leadership was there in a very difficult transmission, and mentioned all the other positive activities. As a representative of the Council she presented his gift to him as a token of a job well done.

Councilmember Digre added that it was a complicated year that he weathered well.

Councilmember Ervin stated that he made her first year so easy, adding that he was always there if she needed information or direction and he was very supportive. She felt he did a great job leading the City which she appreciated.

Councilmember O'Neill thanked him for his service, adding that it was tough, and he wished him well.

Mayor Stone thanked them for all their kind words, especially for the mention of the teamwork. He felt they had to work as a unit to move the City forward.



Councilmember Digre nominated Mary Anne Nihart as mayor; seconded by Councilmember Ervin.

Mayor Stone asked if there were any other nominations and, seeing none, closed the nominations.

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Mayor pro Tem Nihart nominated Karen Ervin as Mayor pro Tem; seconded by Councilmember O'Neill.

Mayor Stone asked if there were any other nominations and, seeing none, closed the nominations.

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City Clerk O'Connell administered the oath of office.

Incoming Mayor Nihart thought it was an amazing thing. She thanked the Council for their support, adding that she was honored and humbled to serve. She promised to organize her time to be available when necessary and she would continue the mayor's walks. She stated that she wanted to call her year the three C's, communication, with more study sessions, etc.; collaboration, agreeing with former Mayor Stone that you have to have that because you can't do anything alone; and community, which means making decisions together. She mentioned Nick Gust and his leadership style. She stated she wanted to make this year about service, adding that she had other ideas. She was honored and promised to work for everyone.

Mayor Stone adjourned the meeting at 8:45 p.m.

Transcribed by Barbara Medina, Public Meeting Steonographer

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED:

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Len Stone, Mayor