

CITY OF PACIFICA CITY COUNCIL AGENDA

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

CITY COUNCIL CHAMBERS
2212 BEACH BOULEVARD
PACIFICA, CALIFORNIA 94044

December 11, 2006

www.ci.pacifica.ca.us

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.

7:00 p.m. REGULAR COUNCIL MEETING

Call to Order
Roll Call
Salute to the Flag led by Mayor Pro Tem DeJarnatt
Commission Liaisons: None
Chamber of Commerce Liaison: None

CONSENT CALENDAR

In a single motion, the City Council will consider and act upon Items 1 through 6.

1. Approval of disbursements dated 11/22/06, 11/27/06, 11/29/06 and 11/30/06 in the amount of \$439,125.78, Regular and quick checks numbered 81578-81584 and 114104-114253 (**Proposed action:** approve)
2. Approval of Minutes of regular City Council meeting of November 27, 2006 (**Proposed action:** approve Minutes)
3. Extension of Franchise Agreement with Comcast for One Year (**Proposed action:** adopt the resolution to extend the current Franchise Agreement with Comcast for one year)
4. Review of Development Fee Accounting Information (**Proposed action:** review the City of Pacifica Annual Report of Development Fees and Expenditures for the year ended June 30, 2006 and direct the City Clerk to retain this report in the official records of the City)
5. Notice of Completion for the Capistrano Fish Passage and Restoration Project (**Proposed action:** adopt the resolution next in order accepting completion and directing the City Manager to file Notice of Completion for the Capistrano Fish Passage and Restoration Project)
6. Resolution Declaring Results of Election of November 7, 2006 (**Proposed action:** move to adopt the resolution next in order "A Resolution of the City Council of the City of Pacifica Declaring the Results of the Consolidated General Municipal Election held on November 7, 2006")

SPECIAL PRESENTATION

Proclamation – Joseph Tanner
POPS Annual Award for Service to the Pier
Fog Fest Presentation – Fred Howard

COUNCIL COMMUNICATIONS

The purpose of Council Communications is for Councilmembers to inform each other of items of potential interest to other Councilmembers, such as interagency meetings. Each councilmember is allotted three minutes.

ORAL COMMUNICATIONS

This portion of the Agenda is available for the public to address the City Council on any issue that is not on the Agenda. A maximum time of three minutes will be allowed for any speaker.

PUBLIC HEARING

During public hearings, an applicant or their agent and appellants have ten minutes for their opening presentation and three minutes for rebuttal before the public hearing is closed. Members of the public are limited to three minutes.

None.

CONSIDERATION

None.

SPECIAL ORDER OF BUSINESS

REORGANIZATION OF CITY COUNCIL

- | | |
|---------------------------------------|----------------------------|
| ❖ Reading | Reverend Penny Newell |
| ❖ Outgoing Mayor’s Remarks | Mayor Digre |
| ❖ Presentation to Outgoing Mayor | Mayor pro Tem DeJarnatt |
| ❖ Election of Mayor and Mayor pro Tem | Mayor Digre |
| ❖ Oath of Office | City Clerk Kathy O’Connell |
| ❖ Incoming Mayor’s Remarks | |

ADJOURNMENT

Refreshments

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NOTICE: If you challenge a city’s zoning, planning or other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Judicial review of any city administrative decision may be had only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

The City of Pacifica will provide assistance for disabled citizens upon at least 24 hours advance notice to the City Manager’s Office (650) 738-7301, or send request via email to: o’connellk@ci.pacifica.ca.us If you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to the disabled.

The Pacifica Municipal Code is available on line at the City’s website (www.ci.pacifica.ca.us); 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.ci.pacifica.ca.us/cityhall/agenda.html

E-mail subscription:

Send a request to Kathy O’Connell, at o’connellk@ci.pacifica.ca.us

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City Hall, 170 Santa Maria Avenue, 2nd 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:

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Council meetings:

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

HOW TO REACH YOUR LEGISLATORS

- **Governor Arnold Schwarzenegger, State Capitol Building, Sacramento CA 95814 (916) 445-2841**
- **State Senator Leland Yee, 1370 24th Avenue, San Francisco, CA 94122 (415) 242-8197**
- **Assemblymember Gene Mullin, 1528 So. El Camino Real, Ste 302, San Mateo CA 94402 (650) 341-4319**
- **Congressman Tom Lantos, 400 So. El Camino Real, Ste 410, San Mateo CA 94402 (650) 342-0300**
- **Senator Barbara Boxer, 1700 Montgomery Street, Ste 240, San Francisco CA 94111 (415) 403-0100**
- **Senator Dianne Feinstein, #1 Post Street, Ste 2450, San Francisco CA 94104 (415) 393-0710**

CITY OF PACIFICA
CITY COUNCIL AGENDA SUMMARY REPORT

December 11, 2006

AGENDA ITEM NO. 3

SUBJECT:

Extension of Franchise Agreement with Comcast for One Year

ORIGINATED BY:

Finance Department

DISCUSSION:

The current franchise agreement extension expires on December 31, 2006. A new state law, AB2987, was passed and is effective January 1, 2007, which will impact the franchise renewal process. The City is willing to extend the franchise agreement until such time as Comcast has a state franchise pursuant to AB2987, or the City and Comcast have come to an agreement on a local franchise.

The City is willing to extend the franchise so long as Comcast abides by the terms and conditions of all franchise commitments during this extension. Comcast has been notified that the City of Pacifica will extend the current Franchise Agreement for one year, through December 31, 2007.

FISCAL IMPACT:

None

ATTACHMENTS:

Resolution

COUNCIL ACTION REQUESTED:

Adopt the resolution to extend the current Franchise Agreement with Comcast for one year.

**CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT
December 11, 2006**

Agenda Item No. 4

SUBJECT:

Review of development fee accounting information

ORIGINATED BY:

Engineering Division, Department of Public Works
Finance Department

BACKGROUND/DISCUSSION:

The City of Pacifica, like many other local agencies, levies fees ("development fees") on new development within the City in order to fund public capital improvements necessitated by such development. The California Mitigation Fee Act, commonly known as AB1600 (Government Code Sections 66000 and following), imposes certain accounting and reporting requirements on local agencies that collect development fees. The proposed actions before the City Council are designed to ensure that the City complies with the accounting and reporting requirements of the Mitigation Fee Act.

The City of Pacifica's Municipal Code authorizes collection of the following development fees covered by the Mitigation Fee Act:

- Traffic Impact Mitigation Improvement Fees for Highway One Improvements (Chapter 15, Title 8)
- Traffic Impact Mitigation Fees for the Improvement of the Manor Drive/Palmetto Avenue/Oceana Boulevard Intersection (Chapter 18, Title 8)
- Planned Drainage Facilities Fees (Article 1, Chapter 4, Title 7)
- Capital Projects Fees (Article 2, Chapter 4, Title 7)
- Fees for Park and Recreational Purposes (Chapter 19, Title 8)
- Sewer Facilities Fee (Article 1, Chapter 11, Title 6)
- Rockaway Beach In-Lieu Parking Facilities Fee (Resolution No. 17-86)

The Mitigation Fee Act mandates that for accounting purposes, development fees must be segregated from the general funds of the City and from other funds containing fees collected for other improvements. Interest on each development fee fund must be credited to that fund and used only for the purposes for which the fees were collected.

Review of development fee accounting information

The Mitigation Fee Act also requires that, within 180 days after the close of the fiscal year, the City must make available to the public the following information regarding each of its development fee funds:

- A brief description of the type of development fee in the fund.
- The amount of the development fee.
- The beginning and ending fund balance for the fiscal year.
- The amount of development fees collected and interest earned.
- An identification of each public improvement on which development fees were expended together with the amount of such expenditures.
- Information regarding the schedule for commencement of certain public improvements to be funded with development fees.
- A description of any inter-fund transfers or loans made from the fund.
- The amount of any refunds made.

To comply with these requirements, Staff has prepared the attached Mitigation Fee Act Annual Report for the fiscal year ending June 30, 2006 (Attachment 1). Pursuant to the requirements of the Mitigation Fee Act, this report is being presented to the City Council for review at a regularly scheduled public meeting not less than 15 days after the information was made available to the public. In addition, notice of the time and place of this meeting must be mailed at least 15 days prior to the meeting to all interested parties who filed a written request for such a notice. The City has received no such requests for notice.

Staff recommends that the City Council review the Annual Report.

FISCAL IMPACT:

None.

DOCUMENTS ATTACHED:

1. City of Pacifica Annual Report of Development Fees and Expenditures for the year ended June 30, 2006 (Attachment 1)
2. Notice of Availability of the Mitigation Fee Act Annual Report for Fiscal Year Ending June 30, 2006, of the City of Pacifica.

COUNCIL ACTION REQUESTED:

Review the City of Pacifica Annual Report of Development Fees and Expenditures for the year ended June 30, 2006 (Attachment 1) and direct the City Clerk to retain this report in the official records of the City.

**CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT
NOVEMBER 27, 2006**

Agenda Item No. 5

SUBJECT:

Notice of Completion for the Capistrano Fish Passage and Restoration Project

ORIGINATED BY:

Public Works Department

BACKGROUND/DISCUSSION:

On February 14, 2005, Council authorized award of contract to Power Engineering Contractors Inc for the Capistrano Fish Passage Project in the amount of \$2,298,000. The final project cost was \$2,456,424. The total cost of change orders was \$158,424, Approximately \$225,000 was funded by, \$545,000 by the Coastal Conservancy, \$50,000 by the National Wildlife Foundation, \$30,000 by the American Rivers Foundation, \$650,000 by the Department of Water Resources, \$581,000 by the State Water Resources Control Board, \$180,000 by the Wastewater Division for sewer lines replacement, \$90,000 by the Planned Local Drainage fund for Storm Drain replacement and \$200,000 by the National Park Service. There were no general funds used for the completion of this project.

The project involved channel and thalweg stabilization of San Pedro Creek, planting and restoration. The project was highly successful in restoring the natural habitat and protecting private and public property. As the project is now recently finished, it is appropriate to record the formal Notice of Completion. This recorded document is the legal notice that the City considers the project done.

FISCAL IMPACT:

There is no fiscal impact related to filing the Notice of Completion.

DOCUMENTS ATTACHED:

1. Resolution Accepting Completion and Directing the City Manager to File Notice of Completion for the Capistrano Fish Passage and Restoration Project.
2. Notice of Completion.

COUNCIL ACTION REQUESTED:

Adopt the resolution next in order accepting completion and directing the City Manager to file Notice of Completion for the Capistrano Fish Passage and Restoration Project.

**CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT
December 11, 2006**

AGENDA ITEM NO. 6

SUBJECT:

Resolution Declaring Results of Election of November 7, 2006

ORIGINATED BY:

City Manager's Office

DISCUSSION:

Adoption of Resolution of the City Council of the City of Pacifica Declaring Results of Municipal Election Consolidated with the Gubernatorial Election held on November 7, 2006

FISCAL IMPACT:

None

ATTACHMENTS:

Resolution

COUNCIL ACTION REQUESTED:

Move to adopt the resolution next in order "A Resolution of the City Council of the City of Pacifica Declaring the Results of the Consolidated General Municipal Election held on November 7, 2006"