

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

November 23, 2009

www.cityofpacifica.org

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6:00 P.M. Call to Order – Open Meeting

CLOSED SESSION ITEMS:

1. PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): Conference with legal counsel, existing litigation. In the Matter of City of Pacifica, California, Regional Water Quality Control Board, San Francisco Bay Region, Complaint No. R2-2009-0075 ; and Our Children's Earth v. City of Pacifica, U.S. District Court, Case No. CV-09-5201 EMC.

The Public will have an opportunity to comment on this item before the City Council Goes Into Closed Session.

CONVENE TO CLOSED SESSION

RECONVENE TO OPEN SESSION

7:00 p.m.

Call to Order

Roll Call

Salute to the Flag led by Council Member DeJarnatt

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 06/05/09 to 10/30/09 in the amount of \$6,321.66 Regular and quick checks numbered 81834 to 81835 and 6582. Disbursements dated 10/29/09 to 11/09/09 in the amount of \$798,692.90. Regular and quick checks numbered 6564 to 6581 6583 to 6734 (**Proposed action:** approve)
2. Approval of Minutes of Regular City Council Meeting of November 9, 2009 (**Proposed action:** approve)

3. Adoption of an ordinance entitled "An Ordinance of the City Council of the City of Pacifica Adding Article 19 to Chapter 7 of Title 4 of the Pacifica Municipal Code Regarding Removal of Vehicles" second reading (**Proposed action:** adopt ordinance)
4. Adoption of an ordinance entitled" An Ordinance of the City Council of the City of Pacifica Amending Chapter 4 of Title 9 of the Pacifica Municipal Code Relating to Fence Heights, Barbed Wire Fences, Setbacks for Accessory Buildings, Definition of Attached Buildings, Subdivision Signs, Pet Care and Sales Establishments, Submittal of Specific Plans and Bed and Breakfast Inns" second reading (**Proposed action:** adopt ordinance)
5. Adopt a Resolution Setting Forth Commitment to Obesity Prevention (**Proposed action:** adopt resolution)
6. Approve Purchase of Five (5) Police Patrol Cars from S&C Ford in the Amount of \$113,628.75. [The Money has Been Budgeted in the Vehicle Replacement Fund 72, Account #72-92-0676-55110-000-000] (**Proposed action:** approve purchase of polices cars in the amount of \$113,628.75 and authorize the City Manager to sign the purchase contract)
7. Award of Contract to Dryco Construction Inc. for the San Francisco RV Park Trail Project. Budget Authority was Previously Authorized in the Amount of #313,165.00 in the Capital Improvement Fund 22, Account #22.900000.52800.0054.00 (**Proposed action:** authorize the award of contract to Dryco Construction Inc for the San Francisco RV Park Tail Project. Should that contractor not complete the contract award requirements, authorize award to the second apparent low bidder; authorize the City Manager to execute all necessary documents associated with the award of contract)

SPECIAL PRESENTATION

GGNRA Mori Point Update

PUBLIC HEARING

None.

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.

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

8. Route 1 Bridge at San Pedro Creek Bridge Replacement Project and Manor Drive Overcrossing Widening Project (**Proposed action:** council information only)

9. Appointment of a Representative to the Board of Trustees for the San Mateo County Mosquito Abatement District (**Proposed action:** appoint a representative to the board of trustees of the San Mateo County Mosquito Abatement District)
10. Report on Information Received from City Attorney Request for Information (RFI) Process (**Proposed action:** determine whether to pursue contracting out of City Attorney services and, if so, direct staff to prepare a Request for Proposals or retain current in-house arrangement)

ADJOURNMENT

* * * * *

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

The City of Pacifica will provide assistance for disabled citizens upon at least 24 hours advance notice to the City Manager's Office (650) 738-7301, 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.cityofpacifica.org); at the website, scroll down to find the Link.

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Posted agendas:

Agendas are posted the Friday prior to the City Council meeting date, at the entrance to City Hall, 170 Santa Maria Avenue

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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
November 23, 2009**

AGENDA ITEM NO. 3

SUBJECT:

Adoption of an Ordinance entitled "An Ordinance of the City Council of the City of Pacifica Adding Article 19 to Chapter 7 of Title 4 of the Pacifica Municipal Code Regarding Removal of Vehicles" second reading

ORIGINATED BY:

Police Department

DISCUSSION:

The ordinance was introduced at the November 9, 2009 City Council meeting and is in order for adoption.

FISCAL IMPACTS:

None

ATTACHMENTS:

Ordinance

COUNCIL ACTION REQUESTED:

Move that the City Council of the City of Pacifica **ADOPT** the ordinance entitled "An Ordinance of the City Council of the City of Pacifica Adding Article 19 to Chapter 7 of Title 4 of the Pacifica Municipal Code Regarding Removal of Vehicles".

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA
ADDING ARTICLE 19 TO CHAPTER 7 OF TITLE 4 OF THE PACIFICA
MUNICIPAL CODE REGARDING REMOVAL OR TOWING OF VEHICLES**

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

SECTION 1. Chapter 7 of Title 4 of the Pacifica Municipal Code is hereby amended to add Article 14 to read as follows:

“Article 19. Removal or Towing of Vehicles.

Section 4-7-1901. Removal or Towing of Vehicles.

(a) Any police officer may remove or cause to be removed a vehicle from any public street or public alley within the city limits to the nearest public garage or other place of safety, or to a garage designated or maintained by the City, under the following circumstances:

(1) When a vehicle is parked or left standing where the City, by resolution or ordinance, has prohibited parking and has authorized the removal of vehicles and has posted signs giving notice of such removal;

(2) When a vehicle is illegally parked on a public street or public alley in violation of a City ordinance forbidding standing or parking and the use of the public street or public alley or portion thereof is necessary for the cleaning, repair, or construction of the public street or public alley, or for the installation of underground utilities, and signs giving notice that the vehicle may be removed are erected or placed at least twenty-four hours prior to the removal by the authorities of the City pursuant to this Section;

(3) When a vehicle is parked where the use of the public street or public alley or any portion thereof is authorized by the City for purposes other than the normal flow of traffic; or for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would interfere with such use or movement and signs giving notice that such vehicle may be removed are erected or placed at least twenty-four hours prior to the removal by the authorities of the City pursuant to this Section.”

SECTION 2. Severability.

If any provision of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance. The City Council hereby declares that this Ordinance, and each section, subsection, sentence, clause and phrase thereof, would have been adopted by the City Council regardless of the fact that any other section, subsection, sentence, clause or phrase might be declared to be invalid or unconstitutional.

SECTION 3. Publication.

The City Clerk shall cause this Ordinance to be published once within fifteen days after its passage in the Pacifica Tribune, a newspaper of general circulation, published and circulated in the City of Pacifica in accordance with Government Code Section 36933, and shall cause this Ordinance to be entered in the Pacifica Municipal Code.

SECTION 4. Effective Date.

This Ordinance shall become effective thirty days after its final passage.

**CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT
November 23, 2009**

AGENDA ITEM NO. 4

SUBJECT:

Adoption of an Ordinance entitled "An Ordinance of the City Council of the City of Pacifica Amending Chapter 4 of title 9 of the Pacifica Municipal Code Relating to Fence Heights, Barbed Wire Fences, Setbacks for Accessory Buildings, Definition of Attached Buildings, Subdivision Signs, Pet Care and Sales Establishments, Submittal of Specific Plans and Bed and Breakfast Inns" second reading

ORIGINATED BY:

Planning & Economic Development Department

DISCUSSION:

The ordinance was introduced at the November 9, 2009 City Council meeting and is in order for adoption.

FISCAL IMPACTS:

None

ATTACHMENTS:

Ordinance

COUNCIL ACTION REQUESTED:

Move that the City Council of the City of Pacifica **ADOPT** the ordinance entitled "An Ordinance of the City Council of the City of Pacifica Amending Chapter 4 of title 9 of the Pacifica Municipal Code Relating to Fence Heights, Barbed Wire Fences, Setbacks for Accessory Buildings, Definition of Attached Buildings, Subdivision Signs, Pet Care and Sales Establishments, Submittal of Specific Plans and Bed and Breakfast Inns".

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING
CHAPTER 4 OF TITLE 9 OF THE PACIFICA MUNICIPAL CODE RELATING TO
FENCE HEIGHTS , BARBED WIRE FENCES, SETBACKS FOR ACCESSORY
BUILDINGS, DEFINITION OF ATTACHED BUILDINGS, SUBDIVISION SIGNS, PET
CARE AND SALES ESTABLISHMENTS, SUBMITTAL OF SPECIFIC PLANS AND
BED AND BREAKFAST INNS**

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

Section 1. Fence Height - Section 9-4.2502 of Article 25 of Chapter 4 of Title 9 of the Pacifica Municipal Code is hereby amended to read as follows:

Section 9-4.2502 Fences, hedges, walls, and plantings (a) (b)

“(a) No fence, hedge, wall, or screen planting of any kind shall be constructed or grown to exceed six (6’) feet in height (unless otherwise required by law) within any required side yard to the rear of the required front yard of any dwelling or within any required rear yard; nor exceed three (3’) feet in height within the required front yard of any dwelling, or, for corner lots, within twenty-five (25’) feet of a street corner measured at the property line. Fences or walls limited to three (3’) feet in height may be vertically extended up to four (4’) feet with open work fence material, as defined in subsection (b) of this section, subject to approval of the Planning Director, who shall consider the compatibility of the fence design with its site and surrounding uses. Commercial fences may not exceed six (6’) feet in height, unless additional height is allowed with a site development permit.”

(b) When there is a difference in the ground level on opposite sides of a retaining wall or fence, height shall be measured from the higher ground level, however, any portion of a fence above the maximum allowable height as measured from the lower ground level may be required by the Planning Administrator to be an open work fence. An “open work fence” means a fence in which the component solid portions are evenly distributed and constitute not more than sixty (60%) percent of the total surface area of the fence. In addition, the height of fences or walls which are located within the front setback, parallel to the front property line, or within twenty-five (25’) feet of a street corner, shall be limited to three (3’) feet in height as measured from the side of the fence facing the street.

Section 2. Barbed Wire Fences - Section 9-4.2311 of Article 23 of Chapter 4 of Title 9 of the Pacifica Municipal Code is hereby amended to read as follows:

(a) Barbed wire fences. It shall be unlawful for any person to place, or allow to be placed, or to maintain a fence made wholly or partially of barbed wire in any district.

Exception. Barbed wire may be used in fencing when necessary to contain horses and other livestock. This exception shall only apply to fences constructed in accordance with the approval of the Building Official for animal control purposes.

(b) Fencing material. Fencing material shall be either solid or of other substantial construction including but not limited to wood, chain link, wire (non-barbed), or other similar material. *Exception.* Plastic mesh fencing and/or canvas tarp fencing material or similar material shall be allowed only on a temporary basis during construction.

Section 3. R-1 Development regulations - Section 9-4.402 (d) of Article 4 of Chapter 4 of Title 9 of the Pacifica Municipal Code is hereby amended to read as follows:

“(d) Minimum front setback: fifteen (15’) feet; however, the minimum front setback to a garage entrance shall be twenty (20’) feet. The minimum setback entrance on the street side of a corner lot shall be twenty (20’) feet. (For nonconforming lots, see Sec. 9-4.3002 and for garages as accessory buildings, see Sec. 9-4.2704).”

Section 4. Accessory Buildings - Section 9-4.2704 (a) (1) of Article 27 of Chapter 4 of Title 9 of the Pacifica Municipal Code is hereby amended to read as follows:

“(1) All portions of the accessory building shall be located at least five (5’) feet from any building existing or under construction on the same lot; a building is considered attached to another building when there is a common wall, common roof or a horizontal connection 30 inches above grade such as a deck. Retaining walls and/or decking between buildings that are less than 30 inches above grade are not considered a connection.”

Section 5. Prohibited signs - Section 9-4.2903 (k) of Article 29 of Chapter 4 of Title 9 of the Pacifica Municipal Code is hereby amended to read as follows:

“(k) Off-site signs, excluding real estate A-frames, and also excluding subdivision signs and other signs permitted by State law;”

Section 6. Pet care and sales - Section 9-4.1001 of Article 10 of Chapter 4 of Title 9 of the Pacifica Municipal Code is hereby amended to read as follows:

Section 9-4.1001(b) of the C-1, Neighborhood Commercial District shall be amended to allow the following as a conditional use:

A “conditional use” under the zoning provisions of the Code. “(13) Pet care and sales establishments, including boarding and grooming.”

Section 7. Specific plans: Submission (P-D) - Section 9-4.2208 of Article 22 of Chapter 4 of Title 9 of the Pacifica Municipal Code is hereby amended to read as follows:

“(k) “A Specific Plan application shall be submitted concurrently with the Development Plan application. A Specific Plan application may be submitted subsequent to approval of the Development Plan if the Planning Commission finds that the later submittal will provide for the implementation of the Development Plan and is warranted in terms of the proposed development, or units thereof, in accordance with the regulations and limitations set forth in this article. As part of the Specific Plan application, the owner or applicant shall submit the following:”

Section 8. Bed and breakfast inn - Section 9-4.462 of Article 4.6 of Chapter 4 of Title 9 of the Pacifica Municipal Code is hereby amended to read as follows:

Section 9-4.462. Bed and breakfast inn defined.

“As stated in this article, “bed and breakfast inn” shall refer to any structure containing not more than twelve (12) guest bedrooms, which may be occupied by no more than twenty-four (24) persons, which are intended to be let to transient guests for compensation. A “guest bedroom” is a room primarily intended for sleeping and

contained in the primary structure, which may contain furnishings, but may not lawfully contain any kitchen equipment. Bath facilities may be shared or may be separate for each guest bedroom. An inn is a conditional use in all residential and commercial zoning districts. An inn shall provide guest bedrooms and breakfast for transient guests.”

Section 9. Bed and breakfast inns - Section 9-4.463 of Article 4.6 of Chapter 4 of Title 9 of the Pacifica Municipal Code is hereby amended to read as follows:

Section 9-4.463 Development standards; Permits required (c) (1).

“(c) (1) A use permit and site development permit must be approved by the Planning Commission for any inn proposed in any Residential or Commercial District. If located in the Hillside Preservation District (HPD), the HPD regulations shall be followed; however, a use permit and site development permit shall also be required;”

Section 10. Special use permit procedures - Section 9-4.2306 of Article 23 of Chapter 4 of Title 9 of the Pacifica Municipal Code is hereby amended to read as follows:

Section 9-4.2306. Special use permit procedures (a).

“(a) Purpose. The purpose of this section is to prescribe the procedure for the accommodation, in any zoning district and General Plan designation, of uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings through the review and imposition of special conditions of approval. For the purposes of this section, a special use shall include the following:

- (1) Heliports;
- (2) Convalescent homes and nursing homes;
- (3) Hospitals and convalescent hospitals;
- (4) Institutions of a philanthropic or charitable nature;
- (5) Sanitary landfill sites, solid waste transfer stations, and materials recovery facilities;
- (6) Organized off-road vehicle parks;
- (7) Ambulance facilities;
- (8) Lodges and clubhouses;
- (9) Churches;
- (10) Civic Center facilities;
- (11) Mortuaries and cemeteries; and
- (12) Wastewater treatment and reclamation facilities.”

Section 11. The City Clerk shall cause this Ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation in accordance with the provisions of the California Government Code, and shall cause this Ordinance to be entered in the Pacifica Municipal Code.

Section 12. This Ordinance shall become effective thirty days after its final passage.

The foregoing Ordinance was introduced on November 9, 2009 and passed and adopted at a regular meeting of the City Council of the City of Pacifica held on 23rd day of November, 2009 by the following vote:

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

Julie Lancelle, Mayor

APPROVED AS TO FORM:

ATTEST:

Cecilia Quick, City Attorney

Kathy O'Connell, City Clerk

CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT

November 23, 2009

Agenda Item No. 5

SUBJECT:

Adopt Resolution Setting Forth Commitment to Obesity Prevention

ORIGINATED BY:

City Manager

DISCUSSION:

In 2004 the League of California Cities adopted an Annual Conference resolution to encourage cities to embrace policies that facilitate activities to promote healthier lifestyles and communities, including healthy diet and nutrition.

The City recognizes that obesity is a serious public health threat to the health and wellbeing of adults, children and families in the City of Pacifica. Significant societal and environmental changes are needed to support individual efforts to make healthier choices. The City adopts the resolution to support the pressing health and quality of life issues associated with obesity.

In addition, as part of the City of Pacifica's General Plan Update will include healthy living elements.

FISCAL IMPACT:

None

RECOMMENDATION:

Adopt the Resolution next in order.

ATTACHMENTS:

Resolution.

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA
SETTING FORTH THE CITY OF PACIFICA'S COMMITMENT TO OBESITY
PREVENTION**

WHEREAS, in 2004, the League of California Cities adopted an Annual Conference resolution to encourage cities to embrace policies that facilitate activities to promote healthier lifestyles and communities, including healthy diet and nutrition and adoption of city design and planning principles that enable citizens of all ages and abilities to undertake exercise; and

WHEREAS, the League of California Cities has a strategic goal to promote and develop safe and healthy cities; and

WHEREAS, more than half of California's adults are overweight or obese and therefore at risk for many chronic conditions including diabetes, heart disease, cancer, arthritis, stroke, and hypertension; and

WHEREAS, one in four youth between the ages of 9 and 16 in California is overweight; and

WHEREAS, more children are being diagnosed with diseases linked to overweight and obesity previously seen only in adults, such as Type 2 diabetes and heart disease; and

WHEREAS, the current generation of children are expected to have shorter lives than their parents due to the consequences of obesity; and

WHEREAS, obesity takes a tremendous toll on the health, productivity of all Californians; and

WHEREAS, the annual cost to California – in medical bills, workers compensation and lost productivity – for overweight, obesity, and physical inactivity exceeds \$41 billion; and

WHEREAS, California Senate Bill 375 and Assembly Bill 32 call on cities to adopt plans to reduce greenhouse emissions which include reducing vehicular miles traveled; and

WHEREAS, by supporting the health of residents and the local workforce would decrease chronic disease and health care costs and increase productivity; and

WHEREAS, as part of the City of Pacifica's General Plan Update it will include healthy living elements.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby recognized that obesity is a serious public health threat to the health and wellbeing of adults, children and families in the City of Pacifica. While individual lifestyle changes are necessary, individual effort alone is insufficient to combat obesity's rising tide. Significant societal and environmental changes are needed to support individual efforts to make healthier choices. To that end, the City of Pacifica adopts this Healthy Eating Active Living resolution.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on November 23, 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**

November 23, 2009

ITEM NO. 6

SUBJECT:

Approve purchase of five (5) Police Patrol cars from S&C Ford in the amount of \$113,628.75. The money has been previously budgeted in the Vehicle Replacement Fund 72, account # 72-92-0676-55110-0000-000.

ORIGINATED BY:

Motor Pool-Department of Public Works

DISCUSSION:

The City's need for the new patrol cars is to replace the existing five patrol cars that have over 100,000 miles and are out of warranty. Three companies responded and the result is as follows:

| | |
|--------------------|--------------|
| 1. S&C Ford | \$113,628.75 |
| 2. Serramonte Ford | \$114,311.62 |
| 3. Downtown Ford | \$130,862.76 |

All three quotes include the tire fee, delivery, and sales tax.

The lowest bid received is from S&C Ford. Staff recommends approval of the purchase of the five Police cars from S&C Ford.

FISCAL IMPACT:

The total cost for this purchase, after taxes, is \$113,628.75. Funds for this purchase have been previously budgeted in the Vehicle Replacement Fund 72, account # 72-92-0760-55110-0000-000 as part of this Fiscal Year's Budget, no additional budget authority is necessary at this time.

ATTACHMENTS:

None

COUNCIL ACTIONS REQUESTED:

Approve purchase of Police cars. in the amount of \$113,628.75; and authorize the City Manager to sign the purchase contract.

**CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT
NOVEMBER 23, 2009**

ITEM NO. 7

SUBJECT:

Award of Contract to Dryco Construction, Inc. for the San Francisco RV Park Trail Project. Budget authority was previously authorized in the amount of \$313,165.00 in the Capital Improvement Fund 22, account number 22.900000.52800.0054.00.

ORIGINATED BY:

Engineering Division
Public Works Department

BACKGROUND/DISCUSSION:

On March 28, 2005, Council approved Resolution No. 9-2005 authorizing the execution of the agreement between the California Coastal Conservancy and the City of Pacifica for the repair of the horizontal trail and vertical beach access point at the San Francisco Recreational Vehicle Park (formerly called Pacifica Recreational Vehicle Park). This agreement will provide grant funds in the sum of \$350,000 from the California Coastal Conservancy to the City of Pacifica for the design and reconstruction of a vertical beach accessway and a lateral bluff accessway on the private property owned by the San Francisco RV Park. However, the Engineer's Estimate indicated that the funding from the California Coastal Conservancy grant was insufficient to provide for the design and construction of both the horizontal trail and the vertical accessway. Therefore, staff proceeded with the design of the horizontal trail portion of the San Francisco RV Park Trail Project.

The project plans and specifications for the horizontal trail were prepared by in house staff. This project consists of constructing approximately 1,060 feet of multi-purpose decomposed granite trail and fencing along the oceanfront bluff of the San Francisco RV property. This trail will connect the existing Esplanade multi-purpose trail to the north and the future vertical beach access to the south.

The design and construction of the vertical beach accessway will be completed when sufficient funds become available.

On November 4, 2009 this project was advertised in accordance with the formal bid process. Five companies bought plans and specifications but only three submitted bids. On November 18, 2009, the bids were received and the result is as follows:

| | |
|--------------------------|---------------|
| Dryco Construction, Inc. | \$ 162,206.00 |
| Stoloski & Gonzalez Inc. | \$ 171,545.00 |
| JDB Construction | \$ 256,195.00 |

The apparent low bidder is Dryco Construction, Inc. with a bid amount of \$162,206.00. Dryco Construction has performed work for the City of Pacifica in the past. Staff checked Dryco Construction references, and they were all positive. All required documentations were 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.

City staff will provide for construction management and inspection work of this project.

FISCAL IMPACT:

The proposed project budget is as follows:

Project Costs

| | |
|-----------------------|---------------------|
| Construction Contract | \$162,206.00 |
| Contingencies (20%) | \$32,441.20 |
| Total Project Cost | <u>\$194,647.20</u> |

Project Funding

| | |
|--|---------------------|
| California Coastal Conservancy Reimbursement | \$194,647.20 |
| Total Funding | <u>\$194,647.20</u> |

Total project costs to be reimbursed by California Coastal Conservancy.

No budget authority is required as money was previously budgeted in the amount of \$313,165.00 in the Capital Improvement Fund 22, account number 22.900000.52800.0054.00, 100% of which will be reimbursed by the California Coastal Conservancy including administrative cost.

DOCUMENTS ATTACHED:

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

COUNCIL ACTION REQUESTED:

Authorize the award of contract to Dryco Construction, Inc. for the San Francisco RV Park Trail Project. Should that contractor not complete the contract award requirements, authorize award to the second apparent low bidder; authorize the City Manager to execute all necessary documents associated with the award of contract.

**CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT
NOVEMBER 23, 2009**

ITEM NO. 8

SUBJECT:

Route 1 Bridge at San Pedro Creek Bridge Replacement Project and Manor Drive Overcrossing Widening Project Update

ORIGINATED BY:

Engineering Division
Department of Public Works

BACKGROUND/DISCUSSION:

The Route 1, San Pedro Creek Bridge is a vital component of the coastal corridor through Pacifica. Much like Devils Slide, any failure or flooding of this structure may paralyze the coastal region. Built in the mid 1950's, the current bridge is 55 years old and does not conform to any current structural and seismic design standards. It is also within flood zone elevation and has a narrow span that bottlenecks the flow of San Pedro Creek. The Route 1, San Pedro Creek Bridge Replacement Project will construct a replacement bridge that will be designed to current structural and seismic standards. It will be raised above any flood zone elevation and have a longer span that will pave the way for future widening of the mouth of San Pedro Creek thus reducing the potential for flooding in Lower Linda Mar. The new bridge structure will also include a Class I bicycle and pedestrian facility. Caltrans currently performs bi-annual inspections on the bridge for any signs of failure.

It is estimated that this project will cost close to \$7 million and it was not until this year that full project funding was achieved with the implementation of the Reauthorized Measure A. Other grants for this project includes: \$1 million from the Transportation Equity Act for the 21st Century, or TEA-21 and \$2.5 million from the Federal Highway Bill.

The project is currently in the final stages of its Environmental Phase. The Project Study Report/ Project Report (PSR/PR) was resubmitted to Caltrans last month and according to Caltrans, we should be receiving a response by the first week of December. Construction is tentatively scheduled to begin in 2011.

The Manor Drive Overcrossing Widening Project will widen the existing highway overcrossing at Manor Drive between Palmetto Avenue and Oceana Boulevard. It will also install traffic signals at the Manor Drive/Palmetto Avenue and Manor Drive/Oceana Boulevard intersections to help facilitate the traffic through the overcrossing. This project also includes the construction of a Highway on-ramp at Milagra to reduce the amount of traffic needing to go through the Manor Drive/Oceana Boulevard intersection.

This project is currently in the Environmental Phase. Staff is working with the consultant in laying out the geometrics of overcrossing as well as the bordering intersections.

This project is estimated to cost \$12 million. It is another project that the City is hoping to formalize funding through the reauthorized Measure A, with the adoption of the Transportation Authority's

Route 1 Bridge at San Pedro Creek Bridge and Manor Drive Overcrossing Widening Project Update

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Expenditure Plan. Staff is hopeful that this will go to construction in 2012.

In an attempt in to increase the possibility of this project becoming a reality, last May, staff presented this project before the 12th Congressional District's Citizens Oversight Panel, formed by the office of Congresswoman Jackie Speier, requesting funding from the federal Committee on Transportation and Infrastructure as a member-designated high priority project. The committee recommended inclusion of this project to the federal earmark funds of Congresswoman Jackie Speier. It will now be up to the Congressional Committee on Transportation and Infrastructure in Washington D.C. to select this project for funding.

Work has commenced on the Manor Drive Bridge Deck Repair Project to repair the existing bridge deck concrete spalling and apply an epoxy overlay. This work is restricted to Saturdays and staff is expecting that this project will be complete in mid-December.

FISCAL IMPACT:

None

COUNCIL ACTION REQUESTED:

No action requested, for information only.

CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT
November 23, 2009

ITEM NO. 9

SUBJECT:

Appointment of a Representative to the Board of Trustees for the San Mateo County Mosquito Abatement District

ORIGINATED BY:

City Manager

DISCUSSION:

A vacancy will exist on the San Mateo County Mosquito Abatement District Board of Trustees due to the expiring term (December 31, 2009) of the City of Pacifica representative John Curtis.

For the past four years John Curtis has been the representative of the Board of Trustees of the San Mateo County Mosquito Abatement District. The current term of office will expire on December 31, 2009. The term of office shall be a two or four year term at the discretion of the appointing authority. The ensuing term being January 1, 2010 through December 31, 2012 or through December 31, 2014 according to the California Health and Safety Code, Section 2022.

The Council may exercise the following options:

- 1) Reappoint Mr. Curtis for a two or four year term.
- 2) Advertise the vacancy and accept applications from interested citizens.
- 3) Appoint a City Council member to the Board of Trustees.

FISCAL IMPACT:

None.

ATTACHMENTS:

None.

COUNCIL ACTION REQUESTED:

Appoint a representative to the board of trustees of the San Mateo County Mosquito Abatement District.

CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT
November 23, 2009

ITEM NO. 10

SUBJECT:

Report on information received from City Attorney Request for Information (RFI) process

ORIGINATED BY:

City Manager

DISCUSSION:

At the September 28, 2009 City Council meeting the Council authorized the issuance of a Request for Information (RFI) to examine the potential for contracting out City Attorney Services. The RFI was issued on the 30th of September with a return date of October 31, 2009. The RFI was sent to eight law firms that provide services to the City and was advertised on-line with *Western City*.

Material was received from two law firms, Best Best & Krieger LLP (BBK) and McDonough Holland & Allen PC (MHA). Those responses are attached to this staff report. A letter was received from Dapeer, Rosenblit & Litvak, LLP stating that they were not responding since they did not provide general City Attorney Services.

BBK provided the most thorough response to the RFI and provided a good basis for a comparison of contracting versus in-house City Attorney services. The firm proposes to designate Malathy Subramanian to serve as the contract City Attorney. She currently serves in a similar capacity for 5 other government agencies.

The response outlines the approach that the firm would take in providing services and sets out a retainer for 90 hours of service per month at a fee of \$19,350. Additional work would be charged at varying rates depending on the member of the firm that was working on the issue and the nature of the issue (see page 14 & 15 of the response). It is estimated that of the 90 hours per month 44 of the hours would be devoted to attendance at Council and Planning Commission meetings and attendance at staff meetings. That would leave 46 hours for general advice. On a weekly basis that would be approximately 11 hours per week.

Assistance beyond the retainer amount would be charged on a sliding scale and could range from \$128 to \$251 per hour. Since the person designated to serve as the contract attorney is a partner it is likely that the rate will vary from \$230 to \$251 per hour

depending on the nature of the work. Based on a sample of the last three months of the work of the City Attorney's Office it is estimated that the annual cost of the BBK contract would be \$327,158. This amount would cover 120 hours per month in service. The current annual budget for the City Attorney is \$576,940. The difference between the two costs is \$249,782.

The 120 hours of service estimated above can be compared to the 200 hours of service provided by an in-house full time staff attorney. If BBK were to provide an equivalent amount of hours the cost would increase to \$543,360 or \$33,580 less than our current City Attorney budget. Because MHA did not give sufficient cost information we could only calculate a fee based on the 200 hours of service. On that basis, the MHA fee would be \$624,000 or \$47,060 more than our current budget.

It appears that the choice becomes one between cost and hours of service. Because outside legal firms serve numerous clients, contact with them will at times be difficult due to the needs of those multiple clients. In the case of BBK the City would be competing with at least 5 other government agencies with perhaps similar needs and priorities.

FISCAL IMPACT:

Undetermined without Council action

ATTACHMENTS:

Proposals from Best Best & Krieger and McDonough Holland & Allen

COUNCIL ACTION REQUESTED:

Determine whether to pursue contracting out of City Attorney services and, if so, direct staff to prepare a Request for Proposals or retain current in-house arrangement.