CITY OF PACIFICA CITY COUNCIL AGENDA

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

CITY COUNCIL CHAMBERS 2212 BEACH BOULEVARD PACIFICA, CALIFORNIA 94044

May 10, 2010 AMENDED

www.cityofpacifica.org

Off-street parking is allowed by permit for attendance at official public meetings. Vehicles parked without permits are subject to citation. You should obtain a permit from the rack in the lobby and place it on the dashboard of your vehicle in such a manner as is visible to law enforcement personnel.

Call to Order - Open Meeting

5:00 p.m. CLOSED SESSION ITEM:

- 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 Fancisco Bay Region Complaint No. R2-2009-0075; and Our Children's Earth v. City of Pacifica, U.S. District Court, Case No. CV-08-5201 EMC.
- 2. PURSUANT TO GOVERNMENT CODE SECTION 54957.6 Conference with labor negotiator: Agency negotiator: Ann Ritzma. Employee Organization: Fire Fighters Local 2400; Teamsters Local 856 Battalion Chiefs: Pacifica Police Officers Association; Pacifica Police Supervisors Association; Police Management Teamsters Local 350.
- 3. PURSUANT TO GOVERNMENT CODE SECTION 54956.8 Conference with Real Property Negotiator. Discussion concerns price and terms of payment. Agency negotiator attending session: Stephen Rhodes. Negotiating parites: City of Pacifica and Fairmont Subdivision Improvement Association. Property: 649 Parkview Circle, Pacifica, CA.

The public will have an opportunity to comment on these items before the City Council goes into closed session.

RECONVENE TO OPEN SESSION

7:00 p.m.

Call to Order
Roll Call
Salute to the Flag led by Mayor pro Tem Nihart
Commission Liaisons:
Closed Session Report:

CONSENT CALENDAR

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

- 1. Approval of Disbursements dated 04/14/10 to 04/23/10 in the amount of \$936,842.79. Regular and quick checks numbered 8659 to 8837 (**Proposed action**: approve)
- 2. Approval of Minutes of Regular City Council Meeting of April 26, 2010 (**Proposed action**: approve)

- 3. Approval of Contract Change Order in the Amount of \$60,000 for the San Francisco RV Park Trail Project. No Additional Budget Authority is Required. [Money was previously budgeted in the Capital Improvement Fund 22, Account Number 22.9000000.52800.0054.00] (**Proposed action**: approve funding increase for the San Francisco RV Park Trail Project in the amount of \$60,000 for a total project funding of \$254,647.20
- 4. 400 Block of Esplanade Temporary Access and Use Agreement 60 Day Extension (**Proposed action:** approve the extension for the Temporary Access and Use Agreement between the City of Pacifica and owners of apartment building 360-380 Esplanade; authorize the City Manager to execute the extension)
- 5. FEMA Assistance to Firefighters Grant Funding for Required Communications Narrow Banding to Upgrade Mobile Radios and Fire Station Alerting Systems within North County Fire Authority (**Proposed action**: accept the Pacifica share of \$108,373.50 from the Regional Grant of \$390,717.50 for Communications Narrow Banding Upgrade for Mobile Radios and Fire Station Alerting Systems)
- 6. Authorize Staff to Advertise for Sealed Bids the Sanitary Sewer Mainline Replacement At Lewis Lane Project (**Proposed action**: authorize staff to advertise for sealed bids the Sanitary Sewer Mainline Replacement at Lewis Lane project)
- 7. Waiver of Building Permit Fees for Pacifica Historical Society (**Proposed action**: move that the City Council grant the fee waiver request in the amount of \$8,183)

SPECIAL PRESENTATION

- Commendations Captain Chuck Pomicpic, Fire Engineer Jeff Higgins, Firefighter Ken Schneider, Captain Joe O'Brien, Fire Engineer Pat Mahoney and Captain Steve Islander
- ❖ San Mateo County Transit District
- ❖ Tobacco in Hollywood Oceana High School

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.

Sewer Rates

- 8. Public Hearing on Proposed Ordinance Amending Section 6-6.404 and Section 6-6.406 of the Pacifica Municipal Code (Sewer Rates) (**Proposed action**: 1) move that the ordinance entitled "An Ordinance of the City Council of the City of Pacifica Amending Sections 6-6.404 and 6-6.406 of Chapter 6, Title 6, (Sewer Charges) of the Pacifica Municipal Code to Revise and Increase the City's Sewer Chares" be read by title only and that further reading be waived; and 2) move introduction of the ordinance)
- 9. Adoption of an Ordinance Requiring Planning Commission Review of Single-Family Residences Over a Certain Size (**Proposed action**: 1) move that the attached ordinance entitled "An Ordinance of the City Council of the City of Pacifica Amending Chapter 4 of Title 9 of the Pacifica Municipal Code to Require a Site Development Permit for Single-Family Dwellings over a Certain Size", be read by title only and that further reading be waived; 2) move introduction of the ordinance; 3) move that the ordinance be agendized for City Council review within ______ of its adoption)

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

10. Adoption of Resolution in Support of Smoke-Free Movies Campaign (**Proposed action**: move to adopt resolution in support smoke-free movies campaign)

ADJOURN

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 (<u>www.cityofpacifica.org</u>); at the website, scroll down to find the Link.

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Council meetings:

Agendas are available at the City Council meeting

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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 750 San Mateo CA 94402 (650) 342-0300
- Senator Barbara Boxer, 1700 Montgomery Street, Ste 240, San Francisco CA 94111 (415) 403-0100
- Senator Dianne Feinstein, #1 Post Street, Ste 2450, San Francisco CA 94104 (415) 393-0710
- President Barack Obama, 1600 Pennsylvania Ave. NW, Washington DC 20500 (202) 456-1111

CITY OF PACIFICA COUNCIL AGENDA SUMMARY REPORT May 10, 2010

Agenda Item No. 10

SUBJECT:

Adoption of Resolution In Support of Smoke-Free Movies Campaign

ORIGINATED BY:

City Manager's Office

DISCUSSION:

This item is at the request of the Jefferson Union High School District seeking endorsement of the Smoke-Free movies campaign (resolution attached) to prevent tobacco use by adolescents who are exposed to smoking and its imagery in movies of all ratings.

FISCAL IMPACT:

None.

ATTACHMENTS:

Resolution

COUNCIL ACTION REQUESTED:

Move that the City Council adopt the resolution next in order A Resolution of the City Council of the City of Pacifica In Support of Smoke-Free Movies Campagin.

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA IN SUPPORT OF SMOKE-FREE MOVIES CAMPAIGN

WHEREAS, Tobacco use is the number one preventable cause of death and disability; and

WHEREAS, youth ages 12-17 are 11% of the population but are 20% of all movie audiences; and

WHERAS, most U.S. movies with tobacco imagery are rated G, PG, or PG-13, and three-quarters of all U.S. live action films rated PG-13, and 36 percent of films rated G or PG released in 1999-2006 featured tobacco; and

WHEREAS, exposure to smoking in movies recruits up to half (52 percent) of all new adolescent smokers; and

WHEREAS, each year an estimated 390,000 teens start smoking because of exposure to smoking in movies and 120,000 will die prematurely as a result; and

WHEREAS, the tobacco industry has a long, documented history of encouraging smoking in movies and lying about it; and

WHEREAS, the World Health Organization, American Medical Association; American Heart Association; American Lunt Association; American Legacy Foundation; American Academy of Pediatrics; American Academy of Allergy, Asthma, and Immunology; Breathe California, Society for Adolescent Medicine and others endorse getting smoking out of movies rated G, PG and PG-13.

THEREFORE BE IT RESOVED that the City Council of the City of Pacifica endorses the four objectives of the Smoke-Free Movies Campaign:

- 1) Rate new smoking movies "R", with the sole exceptions being when the tobacco presentation clearly and unambiguously reflects the dangers and consequences of tobacco use or is necessary to represent smoking of a real historical figure;
- 2) Require producers to certify on screen that no one in the production received anything of value in consideration for using or displaying tobacco;
- 3) Require strong anti-smoking ads to be shown before any movie with tobacco use, regardless of rating; and

Passed and adopted by the City Council of the City of Pacifica at their meeting of May 10, 2010 by the following vote:				
AYES, NOES, ABSENT, ABSTAIN,				
ATTEST:	APPROVED			
Kathy O'Connell, City Clerk APPROVED AS TO FORM:	Sue Digre, Mayor			
Cecilia Quick City Attorney				

Stop identifying tobacco brands on screen.

4)

RI	ESO:	LUTI	ON I	NO.	

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3) with tobacco use, re	Require strong anti-s egardless of rating; and	moking ads to be shown before any movie
4)	Stop identifying toba	ecco brands on screen.
Passed and adopted 10, 2010 by the foll		the City of Pacifica at their meeting of May
AYES, NOES, ABSENT, ABSTAIN,		
ATTEST:		APPROVED
Kathy O'Connell, C	Lity Clerk	Sue Digre, Mayor
APPROVED AS TO	•	3,,
Cecilia Quick City A	Attorney	