

MINUTES

City Council Regular Meeting
2212 Beach Boulevard
Pacifica, CA 94044

June 28, 2010

Mayor Digre called the meeting to order at 5:00 p.m., stating that all councilmembers were present. City Attorney Quick announced the business to be discussed:

PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): Conference with legal counsel, existing litigation. In the matter of the 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-08-5201 EMC.

Mayor Digre convened to Closed Session.

Mayor Digre reconvened the meeting at 7:05 p.m.

Present: Councilmembers: Lancelle, Vreeland, DeJarnatt, Nihart and Digre.
Excused: Councilmembers: None.

Staff Present: Steve Rhodes, City Manager; Cecilia Quick, City Attorney; Ann Ritzma, Administrative Services Director; Van Ocampo, Deputy Director Public Works/City Engineer; Maria Aguilar, Asst. Civil Engineer; Ray Donguines, Assoc. Civil Engineer, Jim Saunders, Police Chief; Mike Perez, PB&R Director; Rich Johnson, Deputy Fire Chief; Kathy O'Connell, City Clerk.

Councilmember Lancelle led the Salute to the Flag.

Commission Liaison: Planning Commissioner Evans.
Chamber Liaison: Chamber CEO Courtney Conlon.

CLOSED SESSION:

City Attorney Quick announced that the Council had taken no reportable action in Closed Session.

Council met in closed session on June 30, 2010 Mayor Digre called the meeting to order at 5:10 p.m. and adjourned the meeting at 6:20 p.m.. City Attorney Quick announced that the Council had taken no reportable action in Closed Session.

CONSENT CALENDAR:

Mayor Digre mentioned that, after the City Council meeting, they would adjourn and go into the Joint City Council/Redevelopment Agency meeting, however, the second item would be pulled because there was no knowledgeable staff member present to help with that item.

Councilmember Lancelle moved approval of the Consent Calendar, as amended, as follows:
Approval of disbursements dated 06/22/10 to 06/22/10 in the amount of \$6,508.68, regular and quick checks numbered 9539 to 9544; and disbursements dated 05/28/10 to 06/07/10 in the amount of \$645,589.53, regular and quick checks numbered 81890 to 81893 and 9343 to 9538, as

set forth in Item #1; Approval of Minutes of regular City Council meeting of June 14, 2010, as set forth in Item #2; Approval of Request to Transfer Encumbering Revenues from Parent Fees from the 2009-2010 Fiscal Year to the Childcare Reserve Account, as set forth in Item #3; Authorization of Agreement to Terms with Pacifica School District for Rental Space for Childcare Services in the Amount of \$140,448 for the 2010-2011 School Year, as set forth in Item #4; Authorization of Adoption of Resolution Approving the Sanchez Plaza Improvement and Maintenance Agreement with the Rotary Club of Pacifica for the North-East Section of the Property Located at 1220 Linda Mar Boulevard at the Pacifica Center for the Arts, as set forth in Item #5; Approval of Waiver of Building Permit Fees for Rotary Club of Pacifica, as set forth in Item #6; Adoption of a Resolution Supporting the FY 2010-2011 Federal STP City of Pacifica Pavement Rehabilitation Project. Various Streets and Committing Matching Funds in the Amount of Approximately \$45,452 of Proposition 1B Funds, as set forth in Item #7; Authorization of Award of Contract to Pacific Trenchless, Inc., in the Amount of \$93,228.00 for the Collection System Projects: Sanitary Sewer Mainline Replacement at Lewis Lane [sewer facility construction fund 34], as set forth in Item #8; Continuance of Local Emergency, as set forth in Item #9; seconded by Councilmember DeJarnatt.

Councilmember Vreeland stated that he would not be voting on the minutes because he was not present at the previous meeting.

ROLL CALL VOTE:

Ayes: Councilmembers: Lancelle, Vreeland, DeJarnatt, Nihart and Digre.

Noes: Councilmembers: None.

Motion carried: 5-0.

SPECIAL PRESENTATION:

Mayor Digre read the proclamation celebrating July as Parks and Recreation Month.

Mike Perez, PB&R Director, stated that, throughout the country, July was being celebrated as Parks and Recreation Month and, on behalf of the PB&R Department and Parks Division, he asked residents to come out and join them during the month and summer and take part in the many recreational programs available, mentioning several activities and specifically inviting everyone to the 36th annual Fourth of July celebration at Frontierland Park.

Jim Saunders, Police Chief, announced the Police Department's new online form for reporting specific crimes. He explained the value of using this form to provide them with information to catch someone performing repeated crimes, then demonstrated the process via computer, including explaining the various types of reports.

Mayor pro Tem Nihart asked clarification about lost items when the individual didn't really know where or when it was lost.

Chief Saunders stated that it was fine for them to get as close as they can get. He stated that people do turn lost items in and the police don't always have enough identifying information but with a report, they will be able to locate more owners.

Mayor Digre asked if there was a phone number for the Police Department.

Chief Saunders stated that there were phone numbers, but the Police Department number was on the first page. He stated that the finalized report can be printed at home as a record. He stated that they can request an accident report online, explaining that process.

Mayor pro Tem Nihart asked if they were also going to put this information in the *Tribune*.

Chief Saunders stated that it was in the *Tribune* the previous Wednesday.

Mayor pro Tem Nihart stated that she had not read it.

Chief Saunders added that they had decided to make the presentation at the Council meeting to ensure greater exposure to the information. He stated that, on the first day it was up, they had both theft and lost property reports. He mentioned that, at their community meeting on burglaries, they discussed mapping crimes and they anticipated adding that capability within the next 30-60 days.

Mayor Digre read a proclamation honoring David Mineta for his outstanding contributions to the Pacifica community.

David Mineta expressed his appreciation for the unexpected honor, and mentioned his belief that he got an interview for his new job because of all the good work done in our community and thanked everyone for what a wonderful community we are. He questioned why he was leaving such a wonderful community and was told that most people only get one shot to work for a president in their lifetime. He also felt that Pacifica has made a difference on what will be happening as they move forward.

Councilmember Lancelle reminded everyone about the process that the community went through when the two young people were killed in that tragic accident. She stated that what came out of that was the Partnership for a Safe and Healthy Pacifica. She commended David Mineta for his involvement, as well as all the other people who worked on this project. She felt they accomplished it through collaboration. She knew that Mr. Mineta would take those skills to Washington and do the same work there.

PUBLIC HEARINGS:

None.

COUNCIL COMMUNICATIONS:

Councilmember Vreeland referred to the letter they received regarding the cleanup of the Sharp Park Rifle Range and asked the City Manager if he would look into what it meant because he had never seen the state respond to the comments that the City and County submitted. Because of that, he found this notification troubling.

City Manager Rhodes stated that he would check on it.

Mayor pro Tem Nihart stated that she appreciated the information at the Highway 1 informational meeting. She attended the Chamber luncheon, also reminding people about "Hearts on Fire," although she assumed the Chamber Director would remind everyone about that later in the meeting. She also reminded everyone that the Economic Development Committee meeting was the following evening. She stated that her involvement with the schools continues, and she was

fortunate to attend a half day at the California Supreme Court's administrative offices in San Francisco on civics and local government, discussing bringing education of youth into the political arena and working with both school districts to make government alive for our youth.

Mayor Digre mentioned the Economic Development meeting again, adding that there were three subcommittees which she thought everyone should look at. She mentioned that the City would soon be part of the San Mateo County Visitors' Bureau, and she was looking forward to a lot of connections throughout the United States to help with public relations and the City's bottom line. She referred to the Highway 1 informational meeting, and stated that Channel 26 would have the reruns of that meeting as well as the previous meetings. She referred to Afghanistan and Iraq, and stated that there were changes of troops and there would be military transitioning. She wanted to show our appreciation to them, mentioning some activities. She then mentioned the grant which allowed individuals to make 2-5 minute presentations on their history in Pacifica.

Councilmember Lancelle was amazed that, with the new plastic containers for waste and recyclables, she hardly fills up a bag full of garbage in a week. She was looking forward to getting a smaller can when they became available. She encouraged everyone who was frustrated with the process to stick with it, because she felt the rewards were there.

Mayor Digre referred to the lost lives on the beach, and mentioned the Fire Department's plans to get an ambulance which would go down on the beach. She suggested that everyone check it out.

ORAL COMMUNICATIONS

Mayor Digre opened Oral Communications.

Earl Anceston, Pacifica, stated that he would like to see more revenue coming into Pacifica, and he asked if it was possible to get a Trader Joe's.

Councilmember DeJarnatt mentioned that several thousand people signed a petition to bring one here but Trader Joe's chose not to go forward with it.

Mayor Digre mentioned that, at the time, Trader Joe's didn't think there was a place visible from the freeway or with enough parking.

Courtney Conlon, Pacifica, introduced herself as the new CEO of the Pacifica Chamber of Commerce. She stated that she had a lot of duties and tasks, but she felt the foundation and infrastructure was being made. She and the Chamber board believed in forging a new partnership with the City focused on creating a sustainable economic future for the City, and promoting Pacifica as a tourist destination. She reported that the Chamber board was busy with filling key Board positions. She was proud to be working with the longtime Pacifica business owners. She thanked the Mayor for reporting on their recent fundraiser, mentioning the upcoming Hearts on Fire event and fostering a positive partnership with the City for the Chamber members, the City and the community.

Mayor Digre thanked her for taking time to be on the Economic Development committee.

Joon Tan, Pacifica, stated that she had received a citation for failing to yield. She felt that the officer had violated her rights, and circumvented the court system. She was found innocent after the judge viewed the film. She felt that many people were leaving Pacifica because of being harassed and tortured, and she did not want to see the City become a ghost town.

Tod Schlesinger, Linda Mar, stated that he wanted to discuss the issue of free speech, mentioning that someone in Santa Cruz was in the Ninth Circuit Court of Appeals regarding free speech and what they can and cannot say at Council meetings. He mentioned that since he ran for Council in 2006, the explanations of what speakers could and could not say had gotten more detailed over the course of the ensuing year. He felt that was a form of censorship, mentioning that the man in Santa Cruz had sued his city for impinging on his free speech. He then mentioned that the Supreme Court decided in favor of the Federal government to control guns and not the city of Chicago, concluding that municipalities and states were trumped by the Supreme Court. He felt his free speech rights have been violated many times, which brought him to lawsuits. He thought the City had more lawsuits than he has had in 33 years in San Francisco. He commented that, instead of Social Security, maybe the City of Pacifica would support him so he advised that the Council be cool with him because he gets to say whatever he wants. He was giving them fair warning to be careful if they try to censor him.

Clorinda Campagna, Pacifica, stated that July was an important month, mentioning the 4th of July celebration at Frontierland Park and at the end of the month, they will have the celebration of the Little Brown Church. She stated that the Pacifica Historical Society invited everyone to attend the celebration on July 31, 1-4 p.m. They were hoping to have a walk-through by then, to enable everyone to see how the money was working, but they would definitely have a virtual tour. She thanked all the donors, as well as the volunteers and professionals who were working for free. She suggested that all 40,000 residents donate \$1, assuring everyone that the money would be spent very wisely.

Mayor Digre thanked her for all her hard work, as well as the other Society members for their hard work.

Mayor Digre closed Oral Communications.

CONSIDERATION

- 10. An Ordinance Amending Pacifica Municipal Code Section 3-7.03 to Increase the Transient Occupancy Tax on Rent Charged to Hotel Guests from Ten Percent (10%) to Twelve (12%) Percent and a Resolution Amending Resolution 15-2010 to Call and Give Notice of a General Municipal Election on November 2, 2010 for the Election of Certain Officers, and Ordering the Submission to the Voters of a Ballot Measure to Increase the City Transient Occupancy Tax to the Rent Charged to Hotel Guests to Twelve Percent (12%) and Authorizing Related Elections Activity.**

City Clerk O'Connell clarified that the staff report had another Council action mentioned that was not part of the information on the agenda item, mentioning the specific motion.

City Manager Rhodes presented the staff report, followed by further information from City Attorney Quick.

Mayor Digre asked if there was a sunset on the TOT.

City Attorney Quick responded that there was not.

Mayor Digre opened public comments.

Pete Shoemaker, Pacifica, stated that he personally supported the tax and the common sense plan that the Financing City Services committee has worked on. He stated that the process was the same as for individuals, lowering expenditures and raising revenues. He was convinced that the City was very well and efficiently run. They have cut expenditures down as the first step, with future negotiations scheduled. The next step was a series of revenue raising measures, along with the economic development, which everyone supports. He stated that the first was the TOT, and he would definitely vote for it. He encouraged everyone's support which he felt was in the best interest of the community as well as the City.

Marty Cerles, Pacifica, stated that he was the General Manager of the Best Western Lighthouse. He wished that the hotels had been privy to the discussions on this TOT. He did meet with the City Manager and Mayor pro Tem Nihart and had a great discussion but it was too late to bring the hotels into the discussion. He mentioned that Corte Madera had increased their TOT by 2% but the hotels had worked with the City and the money went to the Chamber to provide services. He would like to see Pacifica work with the hotels in the future by letting them know and inviting them to participate in the discussion. He was on the Chamber of Commerce Board and felt they will be doing a great job and asked the City to work with the Chamber and the businesses. He felt that they could come up with a better idea if they had worked with the businesses. He stated that the hotels contributed to the Chamber to market the hotels, but he thought the money was being used to run the Visitors' Center instead. He felt that the hotels were shouldering too much of the burden for the Visitors' Center. He was sure the 2% would pass because people from the outside would pay it. He wished they would rearrange the 2% to make it more equitable and create a bigger bang for our buck.

Mayor Digre thanked him for coming and for his dedication to the City.

Bernie Sifry, 311 Seaside Drive, stated that he had brought this up when Councilmember Lancelle was mayor and, when discussions about the sales tax increase were taking place, he asked why this was not considered. He felt, better late than never. If the Council had to have 2/3 majority to approve this, he asked if the electorate also needed a 2/3 vote to have it pass.

City Attorney Quick responded that it needed four votes by the Council but only a simple majority on the part of the electorate.

Mr. Sifry reiterated that it required the majority of the voters.

City Attorney Quick responded affirmatively.

Tod Schlesinger, Linda Mar, stated that the Council knew his position on this, i.e., that no one wants to pay for this. He stated that this did not matter because the City of San Francisco has a 14% TOT and was the most desirable destination worldwide, yet was running a \$100 million deficit. He commented that this was not the way to get out of fiscal quicksand. He stated that, when the City was bankrupt, don't point the finger at him. He was willing to take his share of the responsibility but he was not shouldering this one. He felt that, even if this passed yesterday and even if last year's sales tax measure passed, the City would still be broke. He stated that he has been very consistent about what needs to be done, and he was sorry that people have taken it personally instead of professionally. He stated that he has been successful in business, adding that sometimes they have to do business with people they don't like.

Mayor Digre closed public comments.

Councilmember DeJarnatt supported this and would make a motion but felt they should hear from the other members first. He felt it made good sense. Given that San Francisco was 14% , and most other cities in the county had higher TOTs, he felt it was appropriate.

Mayor pro Tem Nihart appreciated the comments from the audience. She also appreciated working with the Chamber, and through Economic Development, that was what they planned on doing. Since the Executive Director of the Chamber was part of the Economic Development, she felt that should ensure it happening. She was aware of potential concerns that hotel owners may have, but pointed out that the issue within Financing City Services was to work the plan. They owed their employees to come forward with the proposals mentioned in that plan. She agreed that it wasn't a lot of money and that it wasn't going to solve the problem, but it was another step in a total process of solving the problem. She felt, if they don't continue to take the steps, things begin to fall apart very quickly. She mentioned that, with the budget at the last session, it was very bloody and, if they start making cuts across departments, they lose a lot of services and individuals. She mentioned Councilmember DeJarnatt asking questions about possible options being considered. She explained that we had come up with a plan to address a serious problem, which only worked if it continues to move forward and we continue to work with Economic Development. She added that this was not a problem that was going to go away. She mentioned that this was talked about pretty extensively for some time, and they would try to improve communications. She wished they could do something different but she was supportive of this for now. She stated that she organizes conferences and she was more concerned about the union costs and what she can bring in to use for AV services as opposed to individual taxes on the bill. She added that, as a traveler, it was one of the last things she was looking at because she didn't know about it until she gets the bill. While it doesn't make it better, it did make it one step closer in terms of what was in Half Moon Bay already. She wanted to continue working with the Chamber and the hotels to bring more in to increase the revenue for them.

Councilmember Vreeland echoed Mayor pro Tem Nihart's comments, adding that this was not what the Council came up with but rather what the community had come up with over a long period of time to develop a five-year plan. He was open to having a discussion with the Chamber about how some of the funds go, adding that they haven't had a Chamber that was an active partner for a long time. That was changing, and he felt it was wonderful, but first they needed to address all things, specifically reducing the cost and increasing the revenues to address problems that every City in California was facing. He felt that, while they weren't unique in that regard, they were unique in trying to develop a plan to get the City out of this and avoid furloughs. He felt this was a well thought out plan and he was looking forward to meeting with the Chamber about this in the future.

Councilmember Lancelle supported all the comments by the other Councilmembers. She encouraged everyone to think about the fact that this was not unique. They were trying to not lose employees or lay people off, but trying to bridge this time and looking for ways to do it. They were asking the employees to produce \$8.3 million of the costs because they were asking them to freeze their salaries for a number of years. She felt the City was a partnership between the citizens and its employees, and it was their commitment to support that partnership. She felt it directly impacted their quality of life and she was supporting it.

Mayor pro Tem Nihart appreciated Councilmember Lancelle's point. She then referred to a question brought up earlier, stating that they cannot designate a piece of this.

City Attorney Quick explained that, if the Council chooses to designate a portion of the tax for a specific purpose, it changes it from a general tax which only requires a majority vote to a special tax which requires a two-thirds electorate vote.

Mayor pro Tem Nihart stated that, since they were saving money by putting it into the general election, it would defeat the purpose. She was interested in making sure that they continue to forge a strong relationship with the business community and the Chamber.

Councilmember DeJarnatt moved that the Council read an Ordinance Titled “An Ordinance of the City of Pacifica Amending Section 3-7.03 of the Pacifica Municipal Code to Increase the Transient Occupancy Tax on Rent Charged to Hotel Guests from Ten Percent (10%) to Twelve Percent (12%) by title only and waive reading beyond the title, and introduce the ordinance by 2/3 Vote of the City Council (i.e., a minimum of four City Councilmembers);” and Adopt a Resolution of the City Council of the City of Pacifica, Amending Resolution No. 15-2010 Calling and Giving Notice of a General Municipal Election on Tuesday, November 2, 2010 to include additional provisions; Calling for the Election of Certain Officers as Required by the Laws of the State of California Relating to General Law Cities; Ordering the Submission to the Voters of a Question Relating to Increasing the City’s Transient Occupancy Tax on the Rent Charged to Hotel Guests to Twelve Percent (12%), Providing Directions to the City Clerk Regarding the Election and Measure, Setting Priorities for Filing Written Arguments Regarding a City Measure and Directing the City Attorney to Prepare an Impartial Analysis, Adopting Regulations for Candidates for Elective Office Pertaining to Candidates’ Statements Submitted to the Voters at an Election to be Held on Tuesday, November 2, 2010, and Approve contract with the County of San Mateo for the provision of election services and Authorize the City Manager to execute any necessary documents; seconded by Mayor pro Tem Nihart.

Mayor Digre agreed with everyone’s comments, adding that it was a piece of a multi-faceted endeavor to make the City sustainable. She stated that all cities were going through similar frightening moments. She stated that we have moved forward in being better at public relations and publicity for the City. She saw that as a positive but she understood that, if she were a hotel person, she would not want to do this, adding that San Francisco was, as our major competitor, at 14% and she was consoled by that, adding that many other cities have raised their TOT to 12% in the last year. She mentioned comments from residents in interviews where they said they couldn’t believe that they lived in a town with a million dollar view. She felt that our hotels have so much going for them competitively, with the view being one of their assets. She thought the nearest competitor was Half Moon Bay but the City will get better in publicizing our City. She stated that the San Mateo County Visitors’ Bureau has been hoping to be able to advertise Pacifica across the nation. She offered that as hope for the hotels and our community. She stated that the citizens of Pacifica were strict and they scrutinized every penny spent or owed, and she appreciated their five-year plan.

Councilmember Lancelle appreciated the Mayor’s comments. She mentioned that the City spent money on maintaining the trails and taking care of the beaches and doing our very best to make this community as attractive as possible to visitors and offered that as some consolation to the hotel owners.

Mayor pro Tem Nihart stated that they would make an effort to ensure that the hotels are involved in the Economic Development Committee in terms of marketing Pacifica.

ROLL CALL VOTE:

Ayes: Councilmembers: Lancelle, Vreeland, DeJarnatt, Nihart and Digre.

Noes: Councilmembers: None.

Motion passed: 5-0.

Councilmember DeJarnatt made a motion authorizing City Councilmembers to file arguments related to the measure and select Councilmembers to author the arguments; seconded by Councilmember Lancelle.

Councilmember DeJarnatt stated that they have done this before and he asked clarification that all five can be authorized to sign this, although they didn't have to sign it as long as there were at least two.

City Attorney Quick stated that, because the measure was being placed on the ballot by the Council as opposed to being through petition, the Council can vote to have the City Council as a body sign the argument, have any members of the legislative body sign the argument, or an individual eligible voter can sign it, or an association of citizens or any combination of voter and citizen may file an argument. She stated that she had drafted the resolution so that all five Councilmembers would sign the argument. She stated further that there were two components. The first component covered who should sign it, which allowed for all five to sign it but they did not have to do that. The second component was who was going to write it. She stated that this was a matter of disagreement among city attorneys with no case in point. The conservative view was, if all five members authored it, the drafting would be a Brown Act meeting unless it was a subcommittee which was not subject to the Brown Act. She recommended that they authorize all five to sign it and appoint two persons to a subcommittee to draft it and come back to a subsequent meeting for the majority to approve the ballot argument. She stated that this was a conservative approach; they cannot be found at fault and there was no risk. She stated that, if they get sued, they may not come down on the side of requiring it but she was taking a conservative approach and it was her recommendation.

Councilmember Lancelle didn't think their motion and second embodied what the City Attorney just said. She asked if, by authorizing the City Council to file arguments relating to the measure and select Councilmembers to author the arguments, it was a motion.

City Attorney Quick suggested that, if all five Councilmembers were going to sign the argument and decide to have a subcommittee draft the argument and return for its approval, they should modify the motion to specify those names.

Councilmember Lancelle asked if they would modify the motion or should she remove her second and start over with the motion.

City Attorney Quick suggested that she remove her second and then start over with a new motion, letting the motion die for lack of a second, which she thought was cleaner.

Councilmember DeJarnatt agreed. He was happy to be involved in it, but asked what they wanted to do.

Mayor Digre asked if someone was going to craft a motion to create a subcommittee.

City Attorney Quick stated that the first question was which Councilmembers wished to sign the argument.

Mayor Digre asked if it was correct that they can only have two members for the subcommittee, not three.

City Attorney Quick stated that she was correct because three constituted a meeting and they had to notice it under the Brown Act.

Councilmember Vreeland thought it was fine if they all sign it, but he thought it would be better for people who may not be on the ballot next time to author it. He suggested that Mayor pro Tem Nihart and Councilmember DeJarnatt draft it and they can bring it back for all of them to sign it.

Mayor pro Tem Nihart stated that she was going to suggest that. She didn't know if it made that much difference since all of them were going to sign it, but she was fine with drafting it.

Councilmember DeJarnatt stated that he was also fine with that.

Councilmember Lancelle asked if they had to decide at this time, as part of the motion, which individuals were going to sign it. She wondered if they should be limited to the five signatures or if it would be good to have signatures of individuals who were on the Financing City Services committee.

City Attorney Quick stated that she had drafted the resolution so that they set out the signatures, but they can wait and do that prior to August 13. She stated that it was a policy question, but she thought, since it was a City measure, it was more effective to have the Councilmembers as a unified body sign it, adding that it was her personal opinion and not a legal mandate. She stated that the election code allowed the Council to do a combination of legislative members and other members.

Councilmember Vreeland stated that he would like to make the motion, doing the second option which was to authorize the subcommittee to be established with Mayor pro Tem Nihart and Councilmember DeJarnatt and, when they come back with the language, they can discuss who would sign it. He thought there may be valid arguments for having additional people sign it, but deciding that at this time would not allow them to discuss it with those individuals. He planned to discuss this with a number of individuals.

Councilmember Vreeland moved to authorize that a subcommittee be established with Mayor pro Tem Nihart and Councilmember DeJarnatt to author the argument for the ballot measure and bring the language back and make the decision on who signs it before the August 13 deadline; seconded by Councilmember Lancelle.

ROLL CALL VOTE:

Ayes: Councilmembers: Lancelle, Vreeland, DeJarnatt, Nihart and Digre.

Noes: Councilmembers: None.

Motion passed: 5-0.

11. Manor Drive Overcrossing Widening Project Update.

Public Works Dir. Ocampo presented the staff report.

Councilmember DeJarnatt asked how long it would take to get the full funding for the project, and wondered if it was open-ended.

Public Works Dir. Ocampo stated that, to get the full funding for the project, they needed to get it from the Transportation Authority because it was \$12 million, explaining that the TA would have to adopt its expenditure plan. He stated that they have sent feelers out that they were asking that projects be submitted for recommendation but nothing was concrete yet. He thought they were looking at 2011 before they can begin which was when they can get the expenditure plan. He added that you always have to compete with the other cities with their projects. He stated that, although the measure was for 25 years, all the money did not come at the same time.

Councilmember DeJarnatt assumed he was saying that there was a lot of uncertainty about it showing up at that time.

Public Works Dir. Ocampo agreed.

Mayor pro Tem Nihart stated that they have had a number of questions submitted with people taking a great deal of interest on Highway 1 and she asked if the on-ramp was really going to alleviate traffic.

Public Works Dir. Ocampo responded affirmatively, then gave specific details regarding the morning traffic to explain his reason for that belief.

Mayor pro Tem Nihart then referred to possibly putting the widening project on hold, and asked about the cost of widening Manor, as well as the possibility of another overpass at Avalon.

Public Works Dir. Ocampo referred to installing an overcrossing at Avalon, and explained that they didn't have the room to construct the approach, giving specific details for that opinion. He also thought Caltrans would have a difficult time approving such a structure when you have one less than a quarter of a mile away.

There were no public comments

Councilmember Vreeland thought this was a great interim solution, and it would have an impact on the neighborhood and take pressure off. He added that he needed to talk with Public Works Dir. Ocampo about the Transportation Authority and this expenditure plan, mentioning that he had gotten on the TA to ensure that the City gets these things and he would fight to make sure the City gets the \$12 million. He stated that it had a big impact on what goes on in Pacifica and a lot of other things also have an impact on it. He reiterated that it was a great interim solution to decouple the project and get things moving.

Councilmember Vreeland moved to direct staff to place the preparation of the environmental document for the Manor Drive Overcrossing Widening Project on hold, solicit proposals for engineering design services for the Milagra On-Ramp; seconded by Mayor pro Tem Nihart.

Mayor pro Tem Nihart commented on how resourceful the Public Works Director was at going after grants, and she appreciated that, mentioning the stimulus grants on Manor.

Councilmember Lancelle thanked Public Works Dir. Ocampo, as well as Councilmember Vreeland, for making the most of the opportunities available.

Councilmember DeJarnatt agreed, adding his thanks to Councilmember Vreeland and Public Works Dir. Ocampo. He stated that this was a project in which he was keenly interested and he was happy to see this moving forward.

Mayor Digre explained that she was sick recently, but would have liked to have seen more contact with businesses to see how they felt they would be affected by this. She thought that the City did not have any formal outreach to businesses on that process.

Public Works Dir. Ocampo thought that would be a part of the environmental process and he would have to check with the Planning Director.

Mayor Digre stated that foot traffic was important and she thought they were making it easier for people to bypass the businesses. ~~She knew it was a positive thing, but she worried about hearing from the businesses.~~ She was worried about not asking for feedback from the businesses.

Councilmember Lancelle didn't think it would take out anyone going to the local businesses because they can still go straight through to patronize the businesses.

ROLL CALL VOTE:

Ayes: Councilmembers: Lancelle, Vreeland, DeJarnatt, Nihart and Digre.

Noes: Councilmembers: None.

Motion passed: 5-0.

12. Teen Council.

City Manager Rhodes presented the staff report.

There were no public comments.

Councilmember Lancelle stated that we had some really great teens in the community, mentioning the Leadership in Training group and volunteers in the recreation program, as well as groups in the schools. She would like to have a youth advisory committee, and possibly refer certain issues to them for comment. She felt that, once there was a committee formed, they could find things where the Council would benefit from their input.

Councilmember Vreeland referred to a meeting where they had this discussion with a group brought together by PIA. They had asked people to come up with a recommendation for a Teen Council and the first couple of items on their agenda. He stated that they had not heard any feedback and questioned if this was a time to put out seven members and jump start that effort by putting something in the *Tribune* to see if they get any interest or wait until meeting with the School Board to discuss doing it with the Articulation Committee. He thought it was great to get it moving. He was fine either by making a motion or directing staff to put something in the paper or wait until a joint meeting with the School Board.

Mayor Digre asked clarification on his comment about seven members.

Councilmember Vreeland explained that they could come up with a structure at this time or at a future meeting to come up with the structure of five or seven members, or some other make up, or wait until they meet with the School Board to flesh it out a bit more and build upon that.

Mayor pro Tem Nihart stated that they had this agendized as part of the Articulation Committee and she also served on a subcommittee on this issue with Karen Irwin and David Mineta. She stated that they talked about a lot of different ideas, but David Mineta made one point repeatedly that they were all ideas generated by the adults but, if you want something to work, it needed to

be generated by the individuals involved. Therefore, she asked if teens wanted this Council and whether there was interest. If they can get that question answered, it might be useful. She did caution them about the budget for the schools and educators taking on another load. She thought that putting it out to the community to see if there was anyone interested made sense. She agreed with that concept, but they had struggled with how to make it work. She thought David Mineta was the best person to know how to get teens excited about something and involved. She reiterated that they had spent a lot of time on this issue, adding that they could try again as a Council but she cautioned them to think about the issue of involving the schools and whether the teens identified this as something they would want themselves.

Councilmember Lancelle thought she made a good point of having the teens let the Council know about their issues. She added that she didn't want them to be daunted by that or the fact that there were budget problems. She referred to the City having a youth advisory person on the PB&R Commission in the past. She acknowledged that it needed to be around issues that were compelling to the youth, and she thought it probably has to be bounced back to the youth. She suggested that a letter go out to youth involved in various projects. She thought the key part was that the Council would be listening to them. She didn't want to let this go, but she wasn't sure what shape it had, and she would also like to ask City staff for suggestions.

Councilmember Vreeland agreed that, in asking them to get involved, they have to have ownership of it. He felt the best group involved with youth was PB&R and he suggested that they have this on a PB&R Commission meeting and they can make some recommendations.

City Manager Rhodes stated that this was another idea to form another committee and he was concerned with the present financial situation. He felt they should not be taking on added costs and responsibilities, and asking staff whom were already stretched very thin to assume more responsibility. He acknowledged that it was a sound idea, but at this point in time, they were saying that they were running a large deficit and trying to work out of the deficit, and he questioned whether they could assume more responsibility, more cost or more work for staff.

Councilmember Vreeland agreed with his comments, which was why he was fearful about setting up a committee, but he felt that having PB&R just add a student member was not adding too much to the process but was adding a voice to the process. He was looking for a middle ground that would still get the input of local youth on certain issues.

Mayor Digre stated that she had a different perspective. She stated that the youth had not changed their desire to have an advisory board type of thing. She explained that this was on the agenda now because she had suggested that they have a study session with the youth. Part of her reason for that, although it could be with PB&R, was because they have been working on this for three or more years. She stated that the youth had to deal with sports, music and school, and similar to adults, the active people were active in numerous things. She felt the youth wanted structured activities where they had input but felt safe. She stated that the youth knew what they want, but weren't sure how to express it but knew that it needed to be city-wide. She stated that the kids were meeting, and were involved in several groups but were still interested and she felt a study session would allow them to meet with the Council to discuss things. She didn't think that "brainstorming" together would cost anything or be that hard.

Councilmember Vreeland still recommended that this be brought up to the PB&R Commission to look into this further. He felt they can see and get input from staff in a simple way to get youth involved without a big impact on cost. He was also concerned about another committee and felt that it took staff resources to set up a study session. He felt they needed to use the existing

infrastructure to address this since PB&R was closer to the youth than Council. He felt they needed the input from the Commissioners.

Mayor Digre stated that a PB&R staff member has been attending these meetings and they were eager to be supportive.

Mayor pro Tem Nihart asked what meetings she was talking about.

Mayor Digre stated that they were tobacco meetings, PIA, Oceana, Terra Nova, and about 6-8 youth from two different groups meet with Ms. Gustafson and would be meeting a couple of more times during the summer.

Mayor pro Tem Nihart reiterated David Mineta's comments that this was the biggest piece that they were trying to do in the Articulation Subcommittee, but he felt that they needed a lot of outreach to make it work and she agreed with him on that. She felt they needed to help students understand that they wanted the input by youth. She stated that they had talked about the Youth Leadership Council being a central focus on this. She stated that it took both staff and teacher involvement. She thought, to move forward, PB&R was a really good place to start, and she thought Councilmember Vreeland's comments made the most sense. She stated that it wasn't that those things weren't talked about at length.

Mayor Digre asked what things.

Mayor pro Tem Nihart referred to how to have a study session, how to have a meeting, how to advertise, how to reach out, etc. She felt it was more complex than just putting a notice out.

Councilmember DeJarnatt agreed with Councilmember Vreeland that the best way to pursue it was by letting PB&R take a crack at it. He suggested that the Mayor invite the group to which she was referring to attend the PB&R meeting and offer their thoughts as well.

Councilmember Lancelle explained to the public that the Articulation Committee was made up of two members of the high school board and two members of the elementary school board and two members of the City Council and the executive director of all three of those, specifically the City Manager and the two superintendents. She stated that they get together periodically and discuss matters of mutual interest. She thought it sounded as though there has been some discussion about this and she would be interested in the thoughts of the Articulation Committee on going to the PB&R or whether it should go to PB&R only.

Mayor pro Tem Nihart doubted that the Articulation Committee would meet again before fall, and assumed that it would start after the new superintendent gets her feet wet and they get back into session. She didn't think they should predicate their decision on that.

Mayor Digre clarified that this was not a case where the youth has dropped the ball and would disagree with that.

Councilmember Lancelle didn't think anyone had said that.

Mayor pro Tem Nihart stated that no one said that.

Mayor Digre thought she heard that said, but she was clarifying that. She also felt the PB&R had been very involved and were committed to the youth and will continue to be involved.

Councilmember Lancelle explained that she mentioned the Articulation Committee because she thought it would be interesting to have both school boards' input on it. She felt it was fine in whatever way they move forward. She supported the City Manager and mentioned that the PB&R director had two positions that were consolidated and he now did the work of at least 1-1/2 people. She felt they needed to be sensitive to how he takes the task upon himself.

Mayor Digre stated that he has delegated it, adding that Nicole attends the meeting.

Mayor pro Tem Nihart asked if they were going to provide direction to staff.

Mayor Digre stated that she didn't mind following up with Nicole, the teens and Ms. Gustafson.

Mayor Digre adjourned the meeting at 9:20 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: As Amended; 4-0; Mayor pro Tem Nihart absent

Sue Digre, Mayor