

# CITY OF PACIFICA CITY COUNCIL AGENDA

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

CITY COUNCIL CHAMBERS  
2212 BEACH BOULEVARD  
PACIFICA, CALIFORNIA 94044

**April 24, 2006**

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## **6:30 p.m. CLOSED SESSION**

1. In accordance with Government Code Section 54956.9(a). Conference with legal counsel-existing litigation. In the Matter of Roy Hewson Davies Revocable Trust., San Mateo County Superior Court Case No. 114347.

## **7:00 p.m. REGULAR COUNCIL MEETING**

Call to Order

Roll Call

Salute to the Flag led by Councilmember Lancelle

Commission Liaisons: Commissioner Cicerone

Chamber of Commerce Liaison: None

Closed Session Report

### **CONSENT CALENDAR**

**In a single motion, the City Council will consider and act upon Items 1 through 13.**

1. Approval of disbursements dated 03/28/06, 03/29/06, 03/30/06 and 03/31/06 in the amount of \$408,069.66. Regular and quick checks numbered 81441 – 81444 and 111143 - 111291 (**Proposed action:** approve)
2. Approval of Minutes of regular City Council meeting of April 10, 2006 (**Proposed action:** approve Minutes)
3. Continuation of Local Emergency Status and Authorization of Immediate Expenditure of Public Money to Safeguard Life, Health or Property (**Proposed action:** Continue the Proclamation for Local Emergency dated January 5, 2006 and the Proclamation Confirming Existence of Local Emergency ratified by Council on January 9, 2006. Continue Resolution No. 05-2006 and Direct the City Manager to return with a status update at the next City Council meeting)
4. Proclamation Confirming Existence of Local Emergency and Adoption of Resolution of the City Council of the City of Pacifica Authorizing Immediate Expenditure of Public Money to Safeguard Life, Health or Property (**Proposed action:** 1) move to ratify the Proclamation Confirming Existence of Local Emergency; 2) move to adopt resolution authorizing immediate expenditure of public money to safeguard life, health or property; 3) direct the City Manager to return with a status update at the next City Council meeting)

5. Proclamation "Prime Time Pacifica" Pacifica's Fourth Annual Celebration of National TV Turn Off Week, April 24<sup>th</sup> – April 30<sup>th</sup>, 2006 (**Proposed action:** approve proclamation)
6. Quarterly Investment Report for December 31, 2005 (**Proposed action:** receive and file)
7. Contract Agreement with the Pacifica Police Department, Daly City Police Department, Colma Police Department and the Broadmoor Police Department Concerning the Operation of the Joint SWAT (Special Weapons and Tactical Team) Team (**Proposed action:** approve the agreement between the Pacifica Police Department, Daly City Police Department, Broadmoor Police Department and Colma Police Department on the structure and responsibilities of the combined SWAT Team. Authorize staff to sign the necessary documents to execute the agreement)
8. Contract Agreement with the Pacifica Police Department and the Daly City Police Department, Concerning the Participation in and Operation of a County-wide Traffic Grant Administered by the Daly City Police Department (**Proposed action:** approve the agreement between the Pacifica Police Department and the Daly City Police Department on the structure and responsibilities of the combined agencies involved in the county-wide traffic safety grant and authorize staff to execute the necessary documents)
9. Adoption of Resolution Finding Trail on RV Park Property Exempt from CEQA and Approving Easement Agreement and Authorize the City Manager to Execute any Necessary Documents (**Proposed action:** approve the Resolution of the City Council of the City of Pacifica Finding the Proposed Beach Stairway and Lateral Blufftop Trail on the RV Park Property Categorically Exempt from CEQA and approving an easement agreement and accepting a temporary construction easement and permanent public access easement over the RV Park; authorize the City Manager to execute any necessary documents to complete the easement acquisitions; and direct the staff to file a CEQA Notice of Exemption and commence with the improvements)
10. Resolution Authorizing Disposal of Certain Obsolete City Documents and Papers (**Proposed action:** approve proposed resolution entitled "A Resolution of the City Council of the City of Pacifica Authorizing Disposal of Certain Obsolete City Documents and Papers")
11. Amendment to Agreement for Legal Services (**Proposed action:** approve amendment to agreement and authorize the City Manager to execute the document)
12. Award of Contract to Ralph Black, Local Independent Contractor/Millwright to Fabricate and Install Four Digester Valves and Associated Piping for Sludge Transfer System for the ATAD Digester Modification Project (Proposed action: award contract to the low bidder, Ralph Black, local independent contractor/millwright and authorize the City Manager to enter into an agreement and sign the necessary documents)
13. Approval of Agreement with Eisenberg, Olivieri & Associates to Provide Assistance to City During Reissuance of the Calera Creek Water Recycling Plant NPDES Permit (authorize the City Manager to enter into the attached agreement with Eisenberg, Olivieri & Associates and authorize budget authority not-to-exceed for \$28,500.00 from the Wastewater Enterprise Fund)

### **SPECIAL PRESENTATION**

None

### **COUNCIL COMMUNICATIONS**

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

### **ORAL COMMUNICATIONS**

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

## **PUBLIC HEARING**

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

14. Public Hearing to Consider Certification of Environmental Impact Report and Adoption of Mitigation Monitoring and Reporting Plan, General Plan, Rezoning, Development Plan, and Exception to Planned Development Regulations for Development of 23 Single Family Homes and Two Commercial Buildings in a Planned Unit Development on Property Known as Lower Milagra Ridge, Located at 900 Oceana Boulevard (APN 016-451-010 & 020) (Proposed action: Certify the EIR, adopt the MMRP, and approve the General Plan amendments, rezoning, Development Plan, and exception to PD regulations)

## **CONSIDERATION**

15. Appointment of Citizens to Fill Vacancies on the Emergency Preparedness and Safety Commission and the Parks, Beaches and Recreation Commission (**Proposed action:** appoint citizens)
16. Authorization to Enter Into a Change Order with PowerLight for Costs Associated with the Coastal Commission Permit Requirements at the Calera Creek Water Recycling Plant Photo Voltaic Project for \$259,322.20 to Purchase 315 Solar Panels (60 kw), Inverter and Transformer for Sharp Park \$344,200 for a Total of \$603,522.20 (**Proposed action:** authorize the City Manager to enter into the attached Change Order 3 for \$603,522.20 and authorize budget authority from the Wastewater Enterprise Fund)

## **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 90<sup>th</sup> 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. 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.

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#### **E-mail subscription:**

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#### **City Clerk's Office/City Manager's Office:**

City Hall, 170 Santa Maria Ave., 2<sup>nd</sup> Floor

#### **Council Meetings:**

Agendas are available at the City Council meeting

### **How to obtain City Council Agenda Packet Materials**

#### **City Clerk's Office or the Library:**

A copy of the complete agenda packet is available for public review on the Friday prior to the City Council meeting, at the Pacifica Library, 104 Hilton Way or the Sanchez Library, 1111 Terra Nova Blvd., Pacifica.

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Follow the link to Council agenda, [www.ci.pacifica.ca.us/cityhall/agenda.html](http://www.ci.pacifica.ca.us/cityhall/agenda.html)

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

*The Pacifica Municipal Code is available on line at the City's website ([www.ci.pacifica.ca.us](http://www.ci.pacifica.ca.us)); at the website, scroll down to find the Link.*

#### **HOW TO REACH YOUR LEGISLATORS**

- Governor Arnold Schwarzenegger, State Capitol Building, Sacramento CA 95814 (916) 445-2841
- State Senator Jackie Speier, 400 So. El Camino Real, Ste 630, San Mateo CA 94402 (650) 340-8840
- Assemblymember Gene Mullin, 1528 So. El Camino Real, Ste 302, San Mateo CA 94402 (650) 341-4319
- Congressman Tom Lantos, 400 So. El Camino Real, Ste 410, San Mateo CA 94402 (650) 342-0300
- Senator Barbara Boxer, 1700 Montgomery Street, Ste 240, San Francisco CA 94111 (415) 403-0100
- Senator Dianne Feinstein, #1 Post Street, Ste 2450, San Francisco CA 94104 (415) 393-0710

**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**April 24, 2006**

AGENDA ITEM NO. 3

**SUBJECT:**

Continuation of Local Emergency Status and Authorization of Immediate Expenditure of Public Money to Safeguard Life, Health or Property

**ORIGINATED BY:**

City Manager's Office

**DISCUSSION**

On January 5, 2006 the City's Director of Emergency Services (City Manager) declared a State of Local Emergency. Council ratified this action on January 9, 2006 and adopted Resolution No. 05-2005 a "Resolution Authorizing Immediate Expenditure of Public Money to Safeguard Life, Health or Property. This allows for repairs to take place without competitive bidding due to the emergency. The Council must review, at least every fourteen days, the need for continuing the local emergency. Due to ongoing risk of debris flows from heavy rains, as well as ongoing difficulties with the leaking sewer forcemain repair, and the flooded Brighton Pump Station, as well as continuing damage to seawalls, and damage to storm drain outfalls from continued high ocean waves, staff recommends that the Council continue the local emergency. Ocean swells have been over fifteen feet high for a month and recently exceeded twenty-two feet. This sustained big surf is continuing to cause damage to City ocean front facilities. Staff recommends that the Council continue the local emergency. This agenda item seeks Council continuation of the emergency status pending completion of disaster recovery work and expenditures.

As a result of the severe winter weather conditions, the City has experienced floods, land failure, falling trees, failing seawalls and damage to public and private property. Heavy rainfall in Mid December 2005 caused failure of the hillside behind some homes on Big Bend Drive, Pacifica to vacate their homes immediately to ensure the safety to the residents. The ground is saturated throughout the City and the City is in the midst of continuing series of winter storms.

On February 27, 2006 severe storm conditions and a city-wide power outage resulted in the City Council cancelling the scheduled City Council meeting.

On March 27, 2006 the County opened its Emergency Operations Center due to the extreme storm conditions.

Total rainfall recorded for the City of Pacifica for the month of March 2006 has been 10.6 inches. Total rainfall recorded for the month of April (1-13) is 6.52 inches.

To date the City has incurred the following costs of clean-up and repair:

Forcemain and Pump Station approximately \$200,000.00 to date. Pipe repairs have been completed. Site repair including paving, sealing, fence repair and landscaping repairs have been completed. The City has entered into a contract with Power Engineering for the excavation and repair to the sewer line, pipe connections and temporary pumping. The City has also entered into a contract with Go-Native Nursery in connection with work cleaning and replanting for the Sharp Park Forcemain.

Clean-up of Various Sites is approximately \$60,000.00 to date.

Approximately \$175,000.00 for road repairs since the storms in Mid December 2005.

Big Bend Clean-up of Land Slide approximately \$115,000.00. The City has entered into a contract with Cotton, Shires and Associates for geotechnical work and with Go-Native for clearing and brush removal. The geotechnical investigation is continuing with additional soil investigation.

An additional \$20,000.00 for Landslide investigations at various sites throughout the city.

**ATTACHMENTS:**

FEMA Declaration of Disaster

**COUNCIL ACTION REQUESTED:**

- 1) Continue the Proclamation for Local Emergency dated January 5, 2006 and the Proclamation Confirming Existence of Local Emergency ratified by Council on January 9, 2006.
- 2) Continue Resolution No. 05-2006.
- 3) Direct the City Manager to return with a status update at the next City Council meeting.

**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**April 24, 2006**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Proclamation Confirming Existence of Local Emergency and Adoption of Resolution of the City Council of the City of Pacifica Authorizing Immediate Expenditure of Public Money to Safeguard Life, Health or Property

**ORIGINATED BY:**

City Manager's Office

**DISCUSSION**

On April 17, 2006 the City's Director of Emergency Services (City Manager) declared a State of Local Emergency. This declaration is due to ongoing conditions of extreme peril to the safety of persons and property which have arisen in the City caused by severe storm conditions in March and April, 2006 and ongoing, including: 33 inches of rainfall which is 160% of the average rainfall for this time of year; unrelenting rains for a six week period and continuing; twelve mudslides totaling a cost of \$2,285,000 to remove debris and repair the sites; and the closure of Route 1. Route 1, which is the only direct traffic artery within the coastal region, from Linda Mar area in Pacifica to the south in Half Moon Bay is closed, due to rockslides, erosion and slippage, that has resulted in damage to the roadway and estimated losses of more than \$20 million to coastal hotels, restaurants and other businesses.

The Route 1/Devil's slide closure to vehicular and pedestrian traffic due to the above-mentioned unsafe conditions has had a drastic economic impact in Pacifica.

Staff requests that the Council adopt the Resolution waiving bidding and authorizing staff to commence repairs to disaster areas as this emergency situation has created risks to public and private property and the public health, safety and welfare and requires immediate repair and efforts to prevent or mitigate a further emergency.

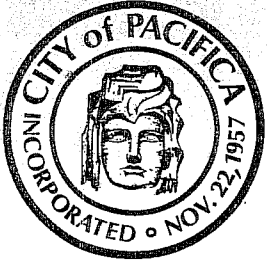
**ATTACHMENTS:**

- 1) Proclamation Confirming Existence of a Local Emergency (Dated April 17, 2006)
- 2) Proclamation Confirming Existence of a Local Emergency (to be ratified by council)
- 3) Resolution Authorizing Immediate Expenditure of Public Money to Safeguard Life, Health or Property
- 4) Proclamation of Existence of a Local Emergency (San Mateo County)
- 5) 2006 Mudslides Spreadsheet
- 6) Storm/Slide Related Newspaper Articles
- 7) Photos of Slide Areas in Pacifica
- 8) Photos of Route 1/Devil's Slide (courtesy of Caltrans)

**COUNCIL ACTION REQUESTED:**

- 1) Move to Ratify the Proclamation Confirming the Existence of Local Emergency
- 2) Move to Adopt Resolution Authorizing Immediate Expenditure of Public Money to Safeguard Life, Health or Property
- 3) Direct the City Manager to Return with a status update at the next City Council Meeting





# Proclamation of the City of Pacifica

AGENDA ITEM NO. 5

## **"PRIME TIME PACIFICA", PACIFICA'S FOURTH ANNUAL CELEBRATION OF NATIONAL TV TURN OFF WEEK, APRIL 24<sup>th</sup> – APRIL 30<sup>th</sup> .**

*WHEREAS, the ever-increasing amount of time that families spend in front of television and computer screens slows our metabolism and promotes an unhealthy diet due to a lack of exercise and tendency to eat "ready-made" foods, and*

*WHEREAS, excessive TV watching also affects our overall sociability and literacy because it reduces the amount of time we spend reading, playing games, enjoying the out-of- doors, or just spending time together, and*

*WHEREAS, it is difficult for families to avoid TV during national Turn Off the TV Week, and the best way to break away from television is to offer a week's worth of convenient, fun, free local activities as an alternative to watching TV, and*

*WHEREAS, celebrating TV Turn Off week in this way builds community involvement, highlights community activities, and for a short time provides families with more time to prepare meals together, play games together, play outside together, talk together, read together, go on walks, work on projects and generally explore what life has to offer in the absence of television,*

*THEREFORE BE IT RESOLVED, the Pacifica City Council does hereby proclaim April 24 – April 30 to be "Prime Time Pacifica" – Pacifica's Annual Celebration of TV Turnoff Week and encourages all Pacificans to leave the TV off for a week and rediscover the art of having fun together.*

DONE, this 24<sup>th</sup> day of April, 2006

Sue Digre, Mayor



**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

April 24, 2006

AGENDA ITEM NO. 6

**SUBJECT:**

Quarterly Investment Report for December 31, 2005

**ORIGINATED BY:**

Finance Department

**DISCUSSION:**

***Investment Performance***

The attached investment report indicates that on December 31, 2005, total City funds in the amount of \$15,123,452 were invested, producing a **weighted** average yield for City investments of 2.96%. The Local Agency Investment Fund (LAIF), which usually serves as a benchmark for comparison of investment yield, is 3.63%, and has been steadily trending upward over the past two years. General Fund cash invested is \$9,440,180 producing a weighted average yield of 3.08%. General Fund investment income for fiscal year 2005-2006 was budgeted at \$25,000. General Fund investment income year to date is \$86,700. Higher LAIF balances during the first and second quarters, as well as rising interest rates, have outperformed expectations. Note that under the heading of BOND PROCEEDS, all funds invested are committed to an escrow account for payment of bond debt or as Reserves for bond debt.

The Governmental Accountant Standards Board (GASB), through GASB 31, requires governmental entities to report their investments at fair market value, i.e. securities should be reported at their current market value. Because of changing market conditions, City investments may, at times, appear to be losing value. However, because it is our intent to hold investments to maturity, apparent reporting losses in principal are "paper" losses only. The City has no agency securities in the investment portfolio at this time.

***Investment Strategy and the Market***

The City's investment policy stresses "Safety, Liquidity and Yield", while meeting the cash flow needs of the City through prudent investment of unexpended cash. The Federal Open Market Committee (FOMC) overnight rate, which has been increased by .25% thirteen times since the FOMC began to tighten credit in June 2004, was 4.25% as of December 31, 2005.

Total cash position is up from last quarter due largely to less expense demands for major projects and the December property tax distribution from the County of San Mateo. The next major influx of cash will be in April 2006 from property tax distribution.

### ***Compliance with Policy***

Historical cash flow trends are compared to current cash flow requirements on an ongoing basis to ensure the City's investment portfolio will remain sufficiently liquid to enable the City to meet reasonably anticipated operating requirements. As of December 31, 2005, the City had sufficient liquid assets available to meet expenditure requirements as projected.

As of December 31, 2005 the City and RDA had no investment instruments with a maturity date longer than one year. All other investments are in highly liquid accounts, utilizing the State investment pool (LAIF). All investments are in compliance with the City's Investment Policy.

The City's Investment Advisory Committee, consisting of the City Manager, City Attorney and Finance Director, has reviewed the attached Investment Report.

### **RECOMMENDATION**

That the Council consider a Motion to receive and file the Quarterly Investment Report for December 31, 2005.

### **ATTACHMENTS:**

Investment Portfolio 12-31-05  
Pie Chart

CITY OF PAFICICA  
COUNCIL AGENDA SUMMARY REPORT  
April 24, 2006

AGENDA ITEM NO. 7

SUBJECT:

Contract agreement with the Pacifica Police Department, Daly City Police Department, Colma Police Department and the Broadmoor Police Department concerning the operation of the joint SWAT (Special Weapons and Tactical Team) Team.

ORIGINATED BY:

Police Department 

DISCUSSION:

The Pacifica Police Department was provided the opportunity to join the Daly City Police Department SWAT Team. At the time, Chief Brennan agreed to allow two Pacifica Police Officers to join the team. Officers from Broadmoor and Colma also joined the team. Once the combined team was trained and operational, the need for a formal agreement became apparent. The agreement merely spells out the lines of command and responsibilities.

Each Police Chief has reviewed this agreement and is satisfied it has addressed all areas necessary. In addition, our City Attorney has also reviewed and approved the document

FINANCIAL IMPACT:

None, all equipment and training is covered in the existing Police Department Budget.

ATTACHMENTS:

SWAT Mou

COUNCIL ACTION REQUESTED:

Approve the agreement between the Police Department and the Daly City, Broadmoor and Colma Police Departments on the structure and responsibilities of the combined SWAT Team. Authorize staff to sign and execute the agreement.

CITY OF PAFICICA  
COUNCIL AGENDA SUMMARY REPORT  
April 24, 2006

AGENDA ITEM NO. 8

SUBJECT:

Contract agreement with the Pacifica Police Department and the Daly City Police Department, concerning the participation in and operation of a county-wide traffic grant administered by the Daly City Police Department.

ORIGINATED BY:

Police Department 

DISCUSSION:

The Pacifica Police Department was provided the opportunity to join the Daly City Police Department in participating in a county-wide traffic grant. By agreeing to participate the Pacifica Police Department received a fully equipped police motorcycle to use in our city limits for traffic enforcement. The Pacifica Police Department personnel assigned to the grant have to maintain their proficiency in the operation of the motorcycle in order to continue to participate. The attached MOU outlines the goals, objectives and criteria in which the grant is administered and the requirements of the participating agencies.

Each Police Chief has reviewed this agreement and is satisfied it has addressed all areas necessary. In addition, our City Attorney has also reviewed and approved the document

FINANCIAL IMPACT:

None, all equipment and training is covered through the state traffic grant administered by the Daly City Police Department.

ATTACHMENTS:

MOU

COUNCIL ACTION REQUESTED:

Approve the agreement between the Police Department and the Daly City Police Department on the structure and responsibilities of the combined agencies involved in the county-wide traffic safety grant. Authorize staff to sign and execute the agreement.

**CITY OF PACIFICA  
CITY COUNCIL AGENDA SUMMARY REPORT**

**April 24, 2006**

AGENDA ITEM NO. 9

**SUBJECT:**

Adopt resolution finding trail on RV park property exempt from CEQA and approving easement agreement; authorize the City Manager to execute any necessary documents.

**ORIGINATED BY:**

City Manager *CMD*

**DISCUSSION:**

In 1983, the City approved a use permit and site development permit authorizing the development of an RV Park at 700 Palmetto Avenue subject to certain conditions. The Permit required, among other things, that the Property Owner provide public access, including a horizontal bluff trail, public parking area, and a vertical stairway trail that allows public access to the beach.

Since then, the bluffs have eroded and the trails are in need of repair and reconstruction. The City has obtained a grant to pay for and construct the necessary improvements. Pursuant to the easement Agreement, the Owner agrees to grant the City a temporary construction easement for the improvements, and a permanent public access easement for public use and recreation in perpetuity. Upon completion, the improvements will then become the property of the Property Owner, and the Owner shall maintain the public access areas and maintain the improvements in the future. Other than potential damage caused by any City construction activities, the City is not assuming any liability or responsibility for the trail.

Approval of this Agreement also eliminates prior concerns regarding the Coastal Commission's requirement that a public entity accept an Offer to Dedicate property for access purposes, which in the past the City has refused to accept. That Offer to Dedicate has been accepted by the Pacifica Land Trust, and will be transferred to the Property Owner.

Improvements to and maintenance of the blufftop trail and vertical access stairway will repair or reconstruct existing facilities which are located on the same site and have substantially the same purpose and capacity as those facilities, as well as allow for construction of limited numbers of small facilities and accessory structures such as fences, and may involve minor alterations of land.

Finally, approval of the Agreement is consistent with the City's Strategic Plan, including Goal #1, which is to preserve and enhance Pacifica's natural resources and open space to ensure an ecologically vibrant community, and Objective 1(G), which is to utilize all opportunities to create public access to open space.

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

Resolution

**COUNCIL ACTION REQUESTED:**

Approve the Resolution of the City Council of the City of Pacifica finding the proposed beach stairway and lateral blufftop trail on the RV Park property categorically exempt from CEQA and approving an easement Agreement and accepting a temporary construction easement and permanent public access easement over the RV Park; authorize the City Manager to execute any necessary documents to complete the easement acquisitions; and direct staff to file a CEQA Notice of Exemption and commence with the improvements.

**CITY OF PACIFICA  
CITY COUNCIL AGENDA SUMMARY REPORT**

**April 24, 2006**

**AGENDA ITEM NO. 10**

**SUBJECT:**

Resolution authorizing disposal of certain obsolete City documents and papers

**ORIGINATED BY:**

City Attorney *CMQ*

**DISCUSSION:**

It is provided under Government Code Section 34090 that disposal of certain records may be authorized by the resolution of the City Council. Retention schedules are defined by law and the City's administrative policies, and the City Attorney has reviewed the statutes concerning disposal of records and has determined that it is legally appropriate to dispose of the records itemized on the attached requests from departments.

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

Proposed Resolution with Exhibit A: Requests from departments for disposal of certain records.

**COUNCIL ACTION REQUESTED:**

Approve proposed resolution entitled "A Resolution of the City Council of the City of Pacifica Authorizing Disposal of Certain Obsolete City Documents and Papers."



**CITY OF PACIFICA  
CITY COUNCIL AGENDA SUMMARY REPORT**

**April 24, 2006**

AGENDA ITEM NO. 11

**SUBJECT:**

Amendment to Agreement for Legal Services

**ORIGINATED BY:**

City Attorney *CMQ*

**DISCUSSION:**

The firm of Jones Hall is serving as bond counsel and disclosure counsel for the Series 2006 Certificates of Participation. The City Council approved a contract for legal services for Jones Hall at the Council meeting of March 27, 2006. Jones Hall wishes to add to the Scope of Services and modify paragraph 6 to require the parties to confer if there is a regulatory proceeding.

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

Amendment to Agreement for Legal Services

**COUNCIL ACTION REQUESTED:**

Approve Amendment to Agreement and authorize the City Manager to execute the document.

**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
April 24, 2006**

**AGENDA ITEM NO. 12**

**SUBJECT:**

Award of Contract to Ralph Black Local Independent Contractor / Millwright to fabricate and install four digester valves and associated piping for sludge transfer system for the ATAD Digester modification Project.

**ORIGINATED BY:**

Public Works Department

**DISCUSSION:**

Ralph Black Construction was the only companies to bid on this Item. Ralph Black Construction bid was \$74.00 per hour. This item will provide three hundred hours Millwright Labor to fabricate and install four sludge transfer valves and all related piping, and pipe supports. We have been working with a consultant to improve ATAD digester operation, performance, and odors. The company is Thermal Process Systems. Thermal Process System has designed a new transfer system which will replace the original system that leaks and inhibit digester performance. We hired them as a consultant to evaluate our equipment for a retrofit to turn our system into a second generation ATAD. The existing system is adequate and functional as installed, but improvements to the current system are warranted to reduce odors and provide a more aerobic environment to the existing thermophilic treatment operation.

**FISCAL IMPACTS:**

Fiscal impact will be in the amount of \$74.00 per hour for 300 hours, a total of \$22,200. The labor cost is included in the capital improvement project Digesters modification, in fiscal year 2005-2006 budget. No additional budget authority is required.

**ATTACHMENTS:**

Agreement

**COUNCIL ACTION REQUESTED:**

Award contract to the low bidder, Ralph Black Local Independent Contractor / Millwright and authorize City Manager to enter into agreement and sign the necessary documents.

**CITY OF PACIFICA**  
**COUNCIL AGENDA SUMMARY REPORT**  
**April 24, 2006**

AGENDA ITEM NO. 13

**SUBJECT:**

Approval of agreement with Eisenberg, Olivieri & Associates to provide assistance to City during reissuance of the Calera Creek Water Recycling Plant NPDES permit.

**ORIGINATED BY:**

Public Works Department

**DISCUSSION:**

Assistance is to be provided on some or all of the following key reissuance related tasks, as directed by the City.

**Task 1. Permit Strategy Development**

Coordinate with City staff early and throughout the project to identify: a) desired changes in the permit (e.g., beneficial uses, bacteriological limits, b) available information and other information needed to support the permit reissuance, and c) preferred strategies for interacting with RWQCB staff to facilitate permit reissuance.

**Task 2. NPDES Permit Application Package Completion Determination**

Review submitted NPDES permit application package. Coordinate with City and RWQCB staff to identify and develop remaining information needed before application can be deemed legally complete and permit administratively continued until reissuance.

**Task 3. Reasonable Potential Analysis (RPA) Preparation**

Review and compile available effluent and receiving water data needed to perform the RPA. City will provide the data in electronic format. Prepare draft and final RPA calculations using the standard State Implementation Plan/California Toxics Rule (SIP/CTR) methodology.

**Task 4. Effluent Limits Calculation and Feasibility Study Preparation**

Based on the results of the RPA, calculate required effluent limits for each constituent found to have RP. For final limits that the City could not immediately comply with, prepare a Feasibility Study to justify attainable interim limits.

**Task 5. Administrative Draft Permit and Self-Monitoring Program Development**

Work collaboratively with City and RWQCB staff to prepare an essentially complete administrative draft permit for use by RWQCB staff in preparing the Tentative Order (TO) for public review. This is proposed to be developed piece by piece and used as a "strawperson" permit to facilitate permit negotiations.

**Task 6. RWQCB Coordination and Negotiations**

Assist City as needed on items such as preparing for and attending permit negotiation meetings, providing review of and comments on the draft TO, responding to comments by others, and drafting testimony to deliver at the RWQCB TO adoption hearing.

The work will be conducted on a time-and-materials basis according to EOA 2006 fee schedule attached to agreement. The total not-to-exceed budget is \$28,500, which includes an allowance for expected incidental expenses in accordance with the fee schedule.

**FISCAL IMPACTS:**

Additional Budget authority is required for \$28,500 and will be funded with Wastewater Enterprise Fund.

**ATTACHMENTS:**

Agreement, EOA Company Overview, List of EOA NPDES reissuance projects, and references.

**COUNCIL ACTION REQUESTED:**

Authorize the City Manager to enter into the attached agreement with Eisenberg, Olivieri & Associates and authorize budget authority not-to-exceed for \$28,500 from the Wastewater Enterprise Fund.

**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
April 24, 2006**

AGENDA ITEM NO. 14

**SUBJECT:**

Public Hearing to consider (1) Certification of Environmental Impact Report, Adoption of Mitigation Monitoring and Reporting Plan, and Adoption of California Environmental Quality Act (CEQA) Findings, and (2) General Plan Amendment, Rezoning, Development Plan, and Exception to Planned Development Regulations for development of 23 single family homes and two commercial buildings in a planned unit development on property known as Lower Milagra Ridge, located at 900 Oceana Boulevard (APN 016-451-010 & 020).

**PROPOSED ACTION:**

Certify the EIR, adopt the MMRP and CEQA findings, and approve the General Plan amendment, rezoning, Development Plan, and Exception to PD regulations

**ORIGINATED BY:**

Planning and Economic Development Department

**DISCUSSION:**

**Background** - On March 20, 2006, the Planning Commission, by a 4-1 vote, certified the EIR and adopted the Mitigation Monitoring and Reporting Plan and CEQA findings for the proposed "Connemara" project (23 single family homes and two commercial buildings in a planned unit development on property known as Lower Milagra Ridge, located at 900 Oceana Boulevard). The Commission also approved the Vesting Tentative Subdivision Map, Development Plan, Specific Plan, Variance, Exception to Planned Development Regulations, and Modification to Subdivision Regulations, and recommended that the City Council approve the proposed rezoning and General Plan amendment for the project. A complete description of the project is contained in the attached Planning Commission staff report and attachments, dated March 20, 2006. Said attachments include previous Commission staff reports and minutes, memorandums regarding traffic, and Planning Commission resolutions. Also attached is the Additional Responses to Comments on the Supplemental EIR, project plans, and applicant's information binder.

On March 30, 2006, the appeal period for Planning Commission action ended. No appeals were filed.

**Discussion** – As shown in the attached material, the project was continued by the Planning Commission for many months while requested project revisions were made and peer review of the applicant's traffic and geotechnical reports was conducted. Changes in the project resulting from Commission comments and peer review include a reduction in the overall number of dwelling units to 23, replacement of dwelling units along the Oceana Boulevard frontage with two commercial buildings, addition of two private parks, elimination of the need for a variance to the Hillside Preservation District (HPD) coverage regulations, reconfiguration of the project entry way, reinsertion of the hiking trail along the southern edge of the property, and redesign of the commercial buildings. Details of the peer reviews of traffic and geotechnical reports are contained in the attached staff report of March 20, 2006.

Ultimately, the Commission was satisfied that potential traffic impacts related to the project would be adequately mitigated, and that the remainder parcel (35+ acres to be preserved as open space) would remain undeveloped and in open space, and would be under the control of the Golden Gate National Recreation Area (GGNRA) either through outright ownership or a conservation easement.

After much deliberation, the Commission majority agreed that the front 10+ acres of the property should be developed as proposed, with 23 single-family units and two commercial buildings, that the remaining 35+ acres should be preserved as public open space, and that a portion of the site should be rezoned from commercial to residential to allow the subject development. Accordingly, the Commission approved the associated planning permits, and adopted the attached resolutions recommending that the City Council amend the General Plan and rezone the property.

It should be noted that in approving the project the Commission added a condition eliminating the proposed inclusion of up to five second dwelling units, and eliminated a proposed condition to require the parking for the commercial buildings to be located in the rear, or to the east, of the buildings. Although the Commission originally requested that the parking be relocated, the Commission eventually agreed that parking in the front of the buildings would be a better configuration for a commercial use. However, the Commission added language requiring that the commercial buildings be finalized before occupancy of the 13<sup>th</sup> residential unit.

In addition to the General Plan amendment and rezoning, the Council is being asked to certify the EIR, and adopt the Mitigation Monitoring and Reporting Plan and CEQA findings. These documents were reviewed and certified/adopted by the Planning Commission. The Council is also being asked to approve the Development Plan and Exceptions to the Planned Development regulations. The Development Plan is the proposed project; once adopted the Development Plan essentially becomes the zoning of the property. An Exception to the Planned Development regulations is necessary to allow a shorter setback to the garage entrances (18 feet instead of 20 feet). The Planning Commission found that such an exception was consistent with the design objectives of the Hillside Preservation District in that it would help to reduce grading and pavement coverage in the proposed development.

**RECOMMENDATION:**

Staff recommends that the City Council certify the EIR, adopt the MMRP and CEQA findings, adopt the Development Plan and Exceptions to the Planned Development regulations, and follow the recommendation of the Planning Commission, and approve the proposed General Plan amendment and rezoning.

**FISCAL IMPACTS:**

Approval of the project would result in development of twenty-three additional single-family homes and two commercial buildings, increasing City revenues from added property and sales tax.

**FINDINGS:**

**1. Findings of Approval for Development Plan:** The City Council finds that the proposed land use is consistent with the General Plan, as amended, Design Guidelines and other applicable laws of the City. In addition, the proposed development will not be detrimental to the present or potential surrounding land uses. The City Council also finds that the proposed development can be substantially completed within the project's time schedule as proposed by the applicant, can exist as a development capable of creating an environment of sustained desirability. In particular, each independent unit can exist alone, and the project design, layout, parking and open space creates a desirable environment. Additionally, the City Council finds that the project design within the Planned Development District will have a beneficial effect that cannot be achieved through other districts. The existing streets are adequate to carry anticipated traffic. The estimated traffic generation from the 23 residential units and two commercial units will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern. Access to the project will be from Oceana Boulevard. The City Council further finds that the proposed development is compatible with the surrounding neighborhood which consists of single-family housing to the northeast and commercial development to the north and south along the Oceana Boulevard frontage. The proposed commercial development is economically justified at the location and will provide adequate commercial facilities for the area. The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development, and the uses proposed by the Development Plan are in conformance with the General Plan, as amended.

**2. Findings for Approval of Exception to Planned Development Regulations for Front Yard Setbacks:** The City Council finds that an exception to the Planned Development District regulations regarding front setbacks to garage entrances that are less than that required by the R-1, Single-Family Residential District will encourage a desirable environment and is warranted in terms of the proposed development. Reducing the front yard garage setback from 20 feet to 18 feet, as proposed, is consistent with the design objectives of the Hillside Preservation District in that it helps to reduce grading and pavement coverage in the proposed development. In addition, such setback reduction

will not reduce the quality of the development nor create any significant impacts.

**ATTACHMENTS:**

- a) CC Resolution - Certifying EIR and Adopting Mitigation, Monitoring and Reporting Plan and CEQA findings with MMRP and CEQA findings attached as Exhibits
- b) CC Resolution – Adopting General Plan Amendment and Exception to Planned Development Regulations
- c) CC Ordinance Approving Rezoning and Development Plan
- e) PC staff report, with attachments, 3/20/06
- f) PC minutes, 3/20/06
- g) PC Resolution # 824 - Recommending General Plan Amendment
- h) PC Resolution # 825 - Recommending Rezoning
- i) Connemara Project: Additional Responses to Comments and Revisions to Supplemental Environmental Impact Report
- j) Plans and Applicant's Information Binder

**COUNCIL ACTION REQUESTED:**

1. Move that the City Council **ADOPT** the attached resolution certifying the Final Environmental Impact Report, and adopting the Mitigation Monitoring Program and CEQA findings for the Connemara Project.
2. Move that the City Council **ADOPT** the findings contained in the April 24, 2006 Council Agenda Summary Report, the Conditions of Approval 1 through 41 contained in the March 20, 2006 Planning Commission staff report, as modified by the Planning Commission on March 20, 2006, and incorporate all maps and testimony into the record by reference, and **ADOPT** the following:
  - City Council resolution Certifying EIR and Adopting MMRP and CEQA findings
  - City Council resolution Adopting the GPA and Exception to PD Regulations
3. Move that the attached ordinance entitled, "An Ordinance of the City Council of The City of Pacifica Reclassifying (RZ-186-05) the Lower Milagra Ridge Property (APN: 016-451-010 And -020) from C-2, Community Commercial, to P-D, Planned Development, and from R-1/B-4, Single Family Residential with a B Overlay, to OS, Open Space, with a Development Plan (DP-69-05) for the Development of 23 Residential Units and two Commercial Buildings ", be read by title only and that further reading be waived.
4. Move introduction of the ordinance.



**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
April 24, 2006**

**AGENDA ITEM NO. 15**

**SUBJECT:**

Appointment of citizens to fill vacancies on the Emergency Preparedness and Safety Commission and the Parks, Beaches and Recreation Commission (Proposed action: appoint citizens)

**ORIGINATED BY:**

City Manager's Office

**DISCUSSION:**

Vacancies exist on the Emergency Preparedness and Safety Commission and the Parks, Beaches and Recreation Commission. Vacancies were advertised three times in the Pacifica Tribune. Interviews were scheduled for those who responded and were held on April 12, 2006. Should Council wish to do so, appointments can be made at this time.

**EMERGENCY PREPAREDNESS AND SAFETY COMMISSION: NEED 1**

	Digre	DeJarnatt	Hinton	Lancelle	Vreeland
Shaw, Rhonda					

**PARKS, BEACHES AND RECREATION COMMISSION: NEED 1**

	Digre	DeJarnatt	Hinton	Lancelle	Vreeland
Brown, Michael					
Rasmussen, Charles					
Richards, Terry					

**COUNCIL ACTION REQUESTED:**

Move to appoint 1) \_\_\_\_\_;  
to serve on the Emergency Preparedness and Safety Commission

Move to appoint 1) \_\_\_\_\_; to serve on the Parks, Beaches & Recreation Committee.

**CITY OF PACIFICA**  
**COUNCIL AGENDA SUMMARY REPORT**  
**April 24, 2006**

AGENDA ITEM NO. 16

**SUBJECT:**

Authorization to enter into a Change Order with PowerLight for costs associated with the Coastal Commission Permit Requirements at the Calera Creek Water Recycling Plant Photo Voltaic Project for \$259,322.20 to purchase 315 Solar Panels (60 kw), Inverter and Transformer for Sharp Park \$344,200 for a Total of \$603,522.20

**ORIGINATED BY:**

Public Works Department

**DISCUSSION:**

The proposed Change Order for \$603,522.20 is comprised of two parts. The first part is for \$259,322.20 of extra work at the Calera Creek Solar System necessitated by the Coastal Commission Permit. The second part of the proposed change order for is for the advance purchase of \$344,200 of solar panels for the Sharp Park Solar Project to meet the PG&E Rebate Deadline.

**Part 1: Extra Work for Coastal Permit**

The Solar Voltaic Project is nearing completion and will be online in May. This project has proven to be complex and has had a number of hurdles we've overcome. The extremely wet conditions have slowed construction and the permitting process has impacted the complexity of construction as well as the cost. However, this project shows great signs of success and the contractor has been very cooperative.

In November, 2004 the City qualified for the \$1.3 million PG&E rebate. Upon qualification for the rebate, the City was given until May 28, 2006 to complete the project. The City immediately designed the project and started the Coastal Commission permit process. The project involved the purchase and installation of 1, 890 Sanyo 190 Solar Modules. The project is located in the Coastal Zone outside of the City's Local Coastal Permit Authority. It is also located in the Environmentally Sensitive Habitat areas associated with the San Francisco Garter Snake and Red Legged Frog. The project was originally located in an area of high concern to the Commission. Design was completed in December 2004 and the contract was awarded on February 14, 2005. At the time of contract award there was and is still a world wide shortage of silicon wafers necessary to construct solar cells. The panel delivery time therefore can be over one year. The panel contract had to be awarded immediately and the order had to be placed for the solar panels to insure that the City would not lose the \$1.3 million rebate and could complete the project. We finally received the coastal permit in August 2005 and the panels were paid for in September 2005.

The project was designed to be located on the south hillside slope at the Calera Creek Water Recycling Plant location. This area was selected because of the minimum coastal view impact as well as its location: away from the flat habitat associated with the odor scrubbers. The odor scrubbers had become potential frog habitat. It was also the City's desire to keep the odor scrubbers running at all times. At the time of design this area seemed to be the best situation for exposure and meeting the requirements of the Coastal Commission.

Between February and August, the City worked closely with the Coastal Commission staff to obtain the permit. City staff was assured that we would obtain the permit but was also aware that the permit would change the conditions of the project and most likely require a change order with the contractor. After numerous discussions with Coastal Commission Staff we were informed that to obtain a permit we would have to relocate the entire system to the top of the building and away from south facing hillside. It was the opinion of the staff that the south facing slope was too close to the wetlands. The Coastal Permit was finally issued in August 2005 with these conditions. Aside from the relocation, other conditions detailed in the permit affecting the project included: no allowance for housing the transformers in an outside building and required detailed frog surveys and fencing. During the construction process, frog relocation also impacted the schedule. Hurricane Katrina has also increased material costs. This Act of God (and poor planning from man) has also increased material costs since the contract award. Some of the higher costs are reflected in the change order.

Relocation of the entire system seemed like the only solution to obtain the Coastal Permit. This turned out to be more difficult than it seemed. The change required complete project redesign and caused significant delays in construction. Since no additional outbuildings were allowed in the permit, locating the transformers inside necessitated relocating the main transformer outside (as per Council Agenda Report dated March 27, 2006). This change required longer conduit runs and higher material cost for copper. The approved design detailed drilled piers with a vertical steel support embedded in the concrete. This was the standard and approved design for this type of system. Relocating the system to the top of the building roof required a custom design change. The building and the surrounding hillside behave differently in a seismic event. The ground shakes at one frequency and the building another. Since half the system was on the ground and half on the building, two separate designs were required. The system on the building had to be constructed in a manner that would not damage the roof. It also had to be constructed six feet higher to avoid damaging the air scrubber. To arrive at the final design and costs associated with this change required almost a year of discussions and negotiations. The project was designed as a lump sum contract because of its difficulty in separating the project units. This has made identifying the change impacts difficult and time consuming. PowerLight (the contractor) has been excellent to work with and has provided detailed cost breakdowns for their original bid and for the changes. The actual impacts of these changes were not quantified until March of 2006. Copies of the changes in plans and details of additional costs are attachments to the attached Change Order 3.

The original cost for the change order was estimated to be \$327,000. After negotiations, the cost of the changes was reduced to \$259,322.20. The change order includes \$33,724 for additional structural engineering, \$15,831 for PowerLight Engineering, \$24,651 for additional project management, \$119,000 for concrete piers and seismic restraints, \$369,322.20 materials for fixed arrays at \$23,750 and additional electrical installation. These changes have delayed the project by approximately 6 months from the original schedule. This brings the total cost of change orders to less than 10% of the project cost. Considering all of the difficulty and the potential for much higher costs, this is an excellent price.

Part 2: Pre-purchase of 315 solar panels (60kw)

In March PG&E approved the rebate of \$180,000 for the Sharp Park Solar Power System. To avoid missing the rebate deadline, the City is required to order the panels and transformers now and go out to bid for the installation later this summer. The panels will be ordered through PowerLight so as to take advantage of that company's ability to obtain a bulk rate for the purchase. The panels, inverters and transformers are those specified in the original contract (Zantrex PV 45 inverter and Sanyo 190 Solar Panels). The panels will be located on the roofs of the Sharp Park Sewage pump station. The roof is being repaired by a FEMA mitigation grant. The extent of the repair and its impacts on the solar panels will not be known until August. At this time the City will have enough information to go out to bid for the solar installation. The need to pre-order the panels is related to the Disaster Repair of the Roof and the economic necessity to obtain the rebate. The cost for 60kw of panels, transformers and inverters and switch gear is \$344,200 as shown in the backup data in Change Order 3. The PG&E rebate is \$3 per watt or \$180,000. If the project is delayed, we will no longer be eligible for the rebate. If for some unforeseen set of circumstances, the panels cannot be used at Sharp Park, the panels will be installed at the Calera Creek Water Recycling Plant. Change Order 1 was to increase the solar output by 10% to maximize the amount of rebate and increase the power to be generated.

The Solar Project at Sharp Park will also be partially funded through a CCAG grant. The 60 kW system provides the energy match for the County's hydrogen production facility. The County has offered to fund up to \$100,000 of the project based on their approval of the Air Resources Board Grant.

**FISCAL IMPACTS:**

The total Change Order 3 Cost is \$603,522.20. The additional cost of the Solar system associated with the Coastal Permit is budgeted through the Wastewater account and will be paid back in less than 10 years through energy savings. This will result in reduced wastewater charges in the future. Budget authority is required. Approximately \$100,000 will be funded through a CCAG grant. Approximately \$180,000 will be funded through a PG&E rebate. Future installation costs will be approximately \$250,000.

**ATTACHMENTS:**

CCAG Letter of Support

Change Order 3

Change Order 3 back up documentation

**COUNCIL ACTION REQUESTED:**

Authorize the City Manager to enter into the attached Change Order 3 for \$603,522.20 and authorize additional budget authority from the Wastewater Enterprise Fund.