

# 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

**September 11, 2006**

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

In accordance with Government Code Section 54956.8. Conference with real property negotiator: Discussion concerns price and terms of payment. Agency negotiator attending session: Joseph Tanner. Property: APNs 023-073-010 and 012-073-080, APN 023-740-030 and unknown APN land owned by California Coastal Conservancy within the County of San Mateo. Negotiating parties: City of Pacifica and Magrin Properties, LLC; Theodore and Martha Tronoff, Trustees of the Revocable Trust of Theodore V. Tronoff and Martha Jane Tronoff, State of California Coastal Conservancy.

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

Call to Order  
Roll Call  
Salute to the Flag led by Councilmember Vreeland  
Commission Liaisons:  
Chamber of Commerce Liaison:  
Closed Session Report

### **CONSENT CALENDAR**

**In a single motion, the City Council will consider and act upon Items 1 through 9.**

1. Approval of disbursements as follows: **(Proposed action: approve)**
  - a) dated 07/31/06 and 08/04/06 in the amount of \$290,215.24, regular and quick checks numbered 81504 and 112748-112795
  - b) dated 08/08/06, 08/10/06 and 08/18/06 in the amount of \$132,352.83, regular and quick checks numbered 81508, 81511, 81518 and 112955-112975
  - c) dated 07/26/06, 07/27/06, 08/02/06 and 08/04/06 in the amount of \$360,389.40, regular and quick checks numbered 81497, 81500-81503, 81505 and 112796-112949
  - d) dated 07/07/06, 07/26/06, 08/03/06, 08/08/06, 08/10/06, 08/16/06, 08/18/06 and 08/21/06 in the amount of \$767,879.38, regular and quick checks numbered 81488, 81498, 81506-81507, 81509-81510, 81512-81514, 81516-81517, 81519, 112950-112954 and 112976-113132
2. Approval of Minutes of regular City Council meeting of August 14, 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: 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)

4. Continuation of Local Emergency Status and Authorization of Immediate Expenditure of Public Money to Safeguard Life, Health or Property (**Proposed action:** 1) continue the proclamation confirming existence of local emergency dated April 17, 2006 and the proclamation confirming existence of local emergency ratified by Council on April 24, 2006; 2) Continue Resolution No. 16-2006; 3) direct the City Manager to return with a status update at the next City Council meeting)
5. Part-Time Salary Schedule (**Proposed action:** approve part-time salary schedule – September 2006)
6. Side Letter to the Memorandum of Understanding with Department Directors Unit, Teamsters 350 (**Proposed action:** approve the Side Letter between the City of Pacifica and the Department Directors Unit Teamsters 350 Adding the Classification of Police Chief)
7. Repair and Upgrade of Vehicle Exhaust Extractors in Stations 71 and 72 (**Proposed action:** by motion, authorize budget authority in the amount of \$49,015.06 from the 2005-2006 surplus and authorize the City Manager to execute the contract between Air Exchange, Inc. and the City of Pacifica in the sum of \$49,015.06 for the PlymoVent extractor systems)
8. Authorization to Purchase Two Robicon Variable Frequency Drives with Siemens Energy and Automation, Inc. for the Sharp Park Sewage Pump Station (**Proposed action:** authorize staff to enter into an agreement with Electric Sales, Inc. for the purchase of two Variable Frequency Drives and authorize budget authority in the amount of \$48,221)
9. Award of Bid and Authorization to Enter Into an Agreement with Technology, Engineering & Construction, Inc., the Low Bidder for Soil and Ground Water Quality Evaluation Services, at the Former Sharp Park Wastewater Treatment Facility (**Proposed action:** by motion, authorize staff to enter into an agreement with Technology, Engineering & Construction, Inc. to provide Soil and Ground Water Quality Evaluation Services; and authorize budget authority in the amount of \$15,919.50)

### **SPECIAL PRESENTATION**

- ❖ Proclamation – Disaster Preparedness Month

### **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.

10. Public Hearing to Consider Use of Funds From the Supplemental Law Enforcement Services Fund (**Proposed action:** move to authorize expenditure budget authority of up to \$100,000.00 from the Supplemental Law Enforcement Services Fund, when available, towards continued funding of a dedicated School Resource/Beach Patrol Officer)



## CONSIDERATION

11. An Ordinance to Amend the 2001 Edition of the California Fire Code and the California Building Code (**Proposed action:** 1) move that the ordinance next in order entitled "An Ordinance of the City Council of the City of Pacifica Amending Title 4 (Public Safety), Chapter 3; and Title 8 (Building Regulations), Chapter 1 of the Pacifica Municipal Code Amending California Fire Code Section 1003.2 and California Building Code Section 904.2 (2001 Editions) to Require the Installation of Automatic Fire Sprinkler Systems in Commercial and Residential Buildings" be read by title only and that further reading be waived; 2) move introduction of the ordinance; 3) direct staff to file a copy of the staff report and ordinance with the California Building Standards Commission)
12. Introduction of An Ordinance Regarding "Smoke Free Beaches" and the Pacifica Pier (**Proposed action:** 1) move that the ordinance next in order entitled "An Ordinance of the City Council of the City of Pacifica Prohibiting the Use of Tobacco Products In or Around Beaches and at the Pacifica Pier Amending Section II, Title 4, of the Pacifica Municipal Code by adding Chapter 14" be read by title only and that further reading be waived; 2) move introduction of the ordinance)
13. Approve Purchase Order for the Purchase of Four Mixing Pumps with Expansion Boots, Four Foam Control Systems, Four Radar Foam Sensors, Two Heat Exchangers, Control Cabinet with Control Logix PLC, Panelview Touchscreen, Communication Card, and Backup Battery System to Reduce Digester Odor at the Wastewater Treatment Plant (**Proposed action:** authorize the City Manager to enter into a purchase order with Thermal Process for an upper limit of \$390,000.00 to purchase modification equipment for the Calera Creek Digesters)
14. Resolution of Intention of the City Council of the City of Pacifica to Vacate a Portion of the San Pedro Terrace Road Right-of-Way Adjacent to Undeveloped Land on San Pedro Terrace Road (APN 023-075-040), Reserving Easements for Public Utilities and a Bike Trail/Sidewalk, and Setting a Public Hearing (**Proposed action:** adopt the resolution next in order Resolution of Intention of the City Council of the City of Pacifica to Vacate a Portion of the San Pedro Terrace Road Right-of-Way Adjacent to Undeveloped Land on San Pedro Terrace Road (APN 023-075-040), Reserving Easements for Public Utilities, and a Bike Trail/Sidewalk, and Setting a Public Hearing)
15. Resolution of Intention of the City Council of the City of Pacifica to Vacate a Portion of San Pedro Terrace Road, Reserving Easements for Public Utilities, Emergency Vehicle Access, and a Nonvehicular Trail, and Setting a Public Hearing (**Proposed action:** adopt the resolution next in order Resolution of Intention of the City Council of the City of Pacifica to Vacate a Portion of San Pedro Terrace Road, Reserving Easements for Public Utilities, Emergency Vehicle Access, and a Nonvehicular Trail, and Setting a Public Hearing)

## 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, or send request via email to: [o'connellk@ci.pacifica.ca.us](mailto:o'connellk@ci.pacifica.ca.us) If you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to the disabled.

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



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- 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**

**September 11, 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 force main 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. Immediate vacation of residents from homes in close proximity to slide was required to ensure their safety. The ground, once saturated throughout city is starting to dry out.

The weather has been clear since mid April, however project related issues associated with the disaster are on-going, time consuming and lengthy. Because of the six consecutive weeks of rain, the city has not yet been able to survey the mudslides to determine the full scope of damage.

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.



Additionally, rain fall continued through out the end of the month of April and into the first week of May. This rainfall has affected the timeline for repair/reopening of the Devil Slide section of highway one as well as has affected the "known Federal disaster related projects" timeline for fixture/repair completion.

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

Force main and Pump Station costs total \$243,525.00 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 Force main.

Clean-up of Various Sites is \$32,627.00 total.

Approximately \$195,000.00 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. (No cost change since previous report)

An additional \$5,000.00 for Landslide investigations at various sites throughout the city. This brings the total cost for land slide investigation at various sites throughout the city for this disaster to \$35,000.00

The City has entered into an emergency contract with S.V. Baker Engineering for both the Rockaway and Beach Blvd Rock Revetments. This contract provides pre-construction riprap replacement quantification, engineering and design services. Additionally, the City has entered into an emergency contract with S.V. Baker Engineering for the Clarendon Outfall redesign and pre-construction engineering. Due to location of Clarendon Outfall, staff felt it was appropriate and cost effective to contract with the same engineer working on the redesign for the Beach Blvd Rock Revetment.

City Staff has initiated the Hazard Mitigation Grant Process from which funds will be used, if awarded, for the remaining roof work associated with the Sharp Park Council Chambers, Administrative Building and Pump Station. This will bring the entire roof up to wind resistance and seismic standards. Under the 1628DR disaster, a portion of the roof was damaged and funds have been tentatively approved to fix this damage. The Hazard Mitigation Grant funds will pay for the remaining roof area that was not affected by the storms. This remaining portion will be fixed in a manner that will potentially offset damage in the future, and will be done in the same manner and method as the roof work associated with the 1628DR disaster.

***We are awaiting FEMA documentation expressing the obligated monetary amounts for our submitted city-wide projects.***

#### **ATTACHMENTS:**

FEMA Declaration of Disaster – 1628 DR



**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**

**September 11, 2006**

**Agenda Item No. 4**

**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 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.

On June 5, 2006- The Federal Government declared this Local Emergency a Federal Emergency: 1646DR.

The City has confirmed a "Kick Off Meeting" date with FEMA for July 18<sup>th</sup>, 2006. This meeting starts the clock for the Projects documentation and scoping process.

City Staff embarked on site visits starting July 25, 2006 with FEMA representatives. Site visits continued on August 1, 2006. Project Scopes and descriptions are being generated as a result of the documentation gathered at these site visits.

City Staff conducted the "Exit Interview" with FEMA assigned Project Officer on August 29, 2006. The Project Worksheets are now being reviewed at both the State and Federal levels for approval and monetary obligation or denial. City Staff will be working closely with OES and FEMA through this process.

Additionally, rain fall continued through out the end of the month of April and into the first week of May. This rainfall has affected the timeline for repair/reopening of the Devil Slide section of highway one as well as has affected the "known local disaster related projects" timeline for fixture/repair completion.

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.

The Small Business Administration has been in contact with the City of Pacifica and is making itself available to local businesses/merchants two days a week two weeks consecutively in the Parks, Beaches & Recreation Conference Room.

An additional \$10,000.00 for Debris Removal for two new land slides.

An additional \$5,000.00 for Geotechnical Field Work /Reports; bringing the total cost for Field Work /Reports to \$45,000.

**ATTACHMENTS:**

- 1) Proclamation Confirming Existence of a Local Emergency (Dated April 17, 2006)
- 2) Proclamation Confirming Existence of a Local Emergency ratified by Council on April 24, 2006
- 3) Resolution No. 16-2006
- 4) FEMA disaster Declaration 1646DR dated June 5, 2006

**COUNCIL ACTION REQUESTED:**

- 1) Continue the Proclamation Confirming Existence of a Local Emergency dated April 17, 006 and the Proclamation Confirming Existence of Local Emergency ratified by Council on April 24, 2006.
- 2) Continue Resolution No. 16-2006
- 3) Direct the City Manager to Return with a status update at the next City Council Meeting



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

Agenda Item No. 5

**SUBJECT:**

Part-time Salary Schedule

**ORIGINATED BY:**

Human Resources

**DISCUSSION:**

The City last reviewed the Part Time Salary Schedule in July 2004. In order to maintain competitive part-time salaries and to meet the upcoming January 2007 changes to the minimum wage, several of the salaries are being increased.

The proposed salary changes have been reviewed and recommended by Department staff.

**FISCAL IMPACTS:**

Increased costs for part-time salaries was included in the adopted FY 2006/07 budget.

**ATTACHMENTS:**

Part Time Salary Schedule – September 2006

**COUNCIL ACTIONS REQUESTED:**

Approve Part Time Salary Schedule – September 2006.



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

Agenda Item No. 6

**SUBJECT:**

Side Letter to the Memorandum of Understanding with Department Directors Unit, Teamsters 350

**ORIGINATED BY:**

Human Resources

**DISCUSSION:**

The City, at the request of the Police Chief, has met with Teamsters Union 350 to discuss moving the classification of Police Chief from the Police Management Unit (Teamsters 350) to the Department Directors Unit (Teamsters 350).

The City has concurred with this request.

**FISCAL IMPACTS:**

No impact as the position and benefits were budgeted in the FY 2006/07 budget.

**ATTACHMENTS:**

Side Letter Adding the classification of Police Chief to the Department Directors Unit.

**COUNCIL ACTIONS REQUESTED:**

Approve the Side Letter between the City of Pacifica and the Department Directors Unit Teamsters 350 Adding the Classification of Police Chief.



CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
September 11, 2006

Agenda Item No. 7

**SUBJECT:**

Repair and Upgrade of vehicle exhaust extractors in stations 71 and 72

**ORIGINATED BY:**

Fire Department - Support Services Bureau

**DISCUSSION:**

There are existing vehicle exhaust extracting systems in both fire stations which are in need of extensive repair and upgrading for the health and safety of the firefighters and to accommodate the current vehicle configuration in the fire stations. This type of system extracts all of the exhaust completely out of the fire stations and is not a filter which allows some exhaust into the stations. This type of systems has maximum flexibility in allowing different vehicles to utilize the systems and is not fixed upon one vehicle. There are two bids for this project both of which will provide the capability to extract out of the stations the exhaust from three different vehicles simultaneously in each of the stations.

**RECOMMENDATION:**

The department received two bids and in reviewing the bids selects the bid from Air Exchange for the sum of \$49,015.06. The system meets the needs of the department. This was the lower bid. This system accommodates the widest range of vehicles without modification of either the vehicle or the system. This system is also sized to accommodate two additional extractors in each station for possible future needs.

**ATTACHEMENTS:**

A bid from Custom Aire Mechanical, a bid from Air Exchange and Contract for Construction between Air Exchange and the City of Pacifica

**FISCAL IMPACT:**

The Department is requesting the City Council for the budget authority in the amount of \$49,015.06 for the repair and upgrade of the vehicle exhaust extractors from the surplus funds from fiscal year 2005 – 2006.

**COUNCIL ACTION REQUESTED:**

By motion, authorize budget authority in the amount of \$49,015.06 from the 2005 – 2006 surplus and authorize the City Manager to execute the contract between Air Exchange, Inc. and the City of Pacifica in the sum of \$49,015.06 for the PlymoVent extractor systems.



**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**September 11, 2006**

Agenda Item No. 8

**SUBJECT:**

Authorize to purchase two Robicon Variable Frequency Drives with Siemens Energy & Automation, Inc. for the Sharp Park sewage pump station.

**ORIGINATED BY:**

Public Works Department

**DISCUSSION:**

The Sharp Park Sewage Station has three sewage pumps. Two pumps are normally required for wet weather. The third pump is used as a back-up pump. Those pump motors are driven by variable frequency drive (VFD). Due to age and deterioration, all three Robicon VFDs were severely corroded beyond repair. Replacement of these VFDs is absolute needed for the coming winter.

While taking into consideration the existing budget, we will need to replace (at least) two VFDs now and utilize the motor soft start for the back up pump when flows exceed the two pumps due to wet weather flows. We will request the third VFD purchase to be budgeted in the next fiscal year.

Due to dimension and configuration of the existing electric conduits and panel location, no other drives will be able to retrofit into the existing space. The price for the Robicon VFDs is 40% to 50% less than Allan Bradley and Yaskawa VFDs.

Siemens Energy & Automation, Inc. is the only authorized dealer for this area.

**FISCAL IMPACTS:**

The project will be funded by wastewater enterprise funds. Budget authority in the amount of \$48,221 is required

**ATTACHMENTS:**

Quotes and Agreement

**COUNCIL ACTION REQUESTED:**

Authorize staff to enter into an Agreement with Electric Sales, Inc. for purchase of two Variable Frequency Drives and authorize budget authority in the amount of \$48,221.



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

Agenda Item No. 9

**SUBJECT:**

Award of bid and authorization to enter into an agreement with Technology, Engineering & Construction, Inc., the low bidder for Soil and Ground Water Quality Evaluation Services, at the former Sharp Park Wastewater Treatment Facility.

**ORIGINATED BY:**

Public Works Department

**DISCUSSION:**

Hydrocarbon affected soil and groundwater were discovered at the former site of the Sharp Park Wastewater Treatment Plant. Concentrations in the soil exceed the Risk Based Screening Levels, established by the State of California Regional Water Quality Control Board. Therefore, further investigation and remediation of the soil and groundwater are required by the San Mateo County Environmental Health Services Agency.

This item was put out to bid on July 26<sup>th</sup> 2006 and bidding closed on August 16th, 2006. Technology, Engineering & Construction, Inc. was the low bidder. Four bids were submitted to the City with the following price quotations for the proposed soil investigation services:

Technology, Engineering & Construction, Inc.	\$ 15,919.90
Green Environment, Inc.	\$ 33,765
CES	\$ 36,063
Weiss Associates	\$75,441.51

**FISCAL IMPACTS:**

The project will be funded by wastewater enterprise funds. Budget authority in the amount of \$15,919.90 is required.

**ATTACHMENTS:**

Agreement

**COUNCIL ACTION REQUESTED:**

By motion, authorize staff to enter into an Agreement with Technology, Engineering & Construction, Inc. to provide Soil and Ground Water Quality Evaluation Services; and authorize budget authority in the amount of \$15,919.90.



CITY OF PAFICICA  
COUNCIL AGENDA SUMMARY REPORT  
September 11, 2006

Agenda Item No. 10

SUBJECT:

Public Hearing to consider use of funds from the Supplemental Law Enforcement Services Fund.

ORIGINATED BY:

Police Department

DISCUSSION:

In 1996 AB 3229 – Citizen's Option for Public Safety (COPS) was enacted to provide funds earmarked for front line police services. This established the COPS program to provide funding for local agencies for the purpose of ensuring public safety and was to be an on-going program.

One of the requirements of AB3229 was that a Public Hearing be held in September of each year with the chief law enforcement officer of the city making recommendations on the use of these funds.

The twelfth round of these funds have been approved in the state budget and the amount will be in the \$100,000.00 range. These funds are administered through San Mateo County and at this time the exact amount for the city is unknown.

We are required by the authorizing legislation to hold public hearings in September and therefore, we are making a recommendation and request for the use of these funds.

Last year the Police Department proposed using this allotment to fund a School Resource Officer/Beach Officer. This is our fourth year of funding this position and the results have been remarkable. Our officer is in the schools on a daily basis and has developed extremely good rapport with both the faculty and the student body. This program has proven its value many times over and the Police Department intends to continue to fund this position as long as this allotment continues and as long as the school districts become a funding partner.

In addition, during the summer months, this officer is assigned to work at the beaches and parks. This has also proven to be a valuable augment to our regular manpower and has allowed the police department to maintain a presence and to minimize incidents at these locations.



Page Two

FINANCIAL IMPACT:

Approximately \$100,000.00 from the Supplemental Law Enforcement Services Fund when available. Approximately \$33,000 from the approved police department budget. No matching funds are required for the COPS program.

ATTACHMENTS:

None

COUNCIL ACTION REQUESTED:

Move to authorize expenditure budget authority of up to \$100,000.00 from the Supplemental Law Enforcement Services fund, when available, towards continued funding of a dedicated School Resource/Beach Patrol Officer.



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

Agenda Item No. 11


**SUBJECT:**

An ordinance to amend the 2001 Edition of the California Fire Code and the California Building Code.

**PROPOSED ACTION:**

Introduction of Ordinance

**ORIGINATED BY:**

Fire Department 

**DISCUSSION:**

Currently the Pacifica Municipal Code requires the installation of an automatic fire sprinkler system in all new construction. Additionally, the code requires the installation of an automatic fire sprinkler system in residential occupancies when an addition of 500 square feet or more is added to the structure. The National Fire Protection Agency standard for the installation of residential fire sprinkler systems permits the connection of these systems to the existing domestic water system, making these systems cost effective. At the time of the adoption of the original ordinance (1997), the city's water district allowed the connection of the fire sprinkler system to the existing domestic water system. Recently the water district changed their policy and now requires a separate metered system for domestic fire sprinkler systems.

This new ordinance raises the threshold for the requirement to install a residential fire sprinkler system when an addition is added to the structure from 500 square feet to 1,000 square feet.

**Findings of Fact:**

The Fire Department believes that it is necessary to amend the 2001 editions of the California Fire Code and the California Building Code in order to serve the public interest by reducing the risk to life and property of the citizens of the City of Pacifica for the following reasons.

The City of Pacifica is unique in its geography and topography.



The City is basically comprised of a number of cul-de-sacs off of Highway 1 which divides the City into distinct districts. Each of these districts is isolated from each other by the topography of the City. The City is bordered to the west by the Pacific Ocean and to the east by hills that separate the City from the other communities. A series of overpasses span Highway 1. The collapse of one or more of the overpasses would greatly restrict access to the majority of the City. Highway one narrows at two points in the City. A major accident at these choke points also restricts the ability to provide emergency services throughout the City.

Several of the districts within the City, such as Vallemar, Rockaway, and Pedro Point have narrow roads in which parking is either not permitted or is limited to one side of the street only. The roads are also steep, between 10 to 30 percent in grade. The roads also wind along the contours of the hillsides. These conditions add to the response times of emergency vehicles and also limit the number of emergency vehicles that can be sent to any particular address in these areas.

The average yearly rainfall for the City is approximately 35" to 45", with a high of 65" in 1995. This rainfall normally occurs from November to April. During the summer months, there is generally no measurable precipitation. Temperatures for this dry period can range into the 80's to 90's Fahrenheit and are frequently accompanied by light to gusty winds. With the extensive Urban-Wildland interface that surrounds the City, the potential for a major fire is high.

The City of Pacifica is subject to ground tremors from large seismic events along the San Andreas, Loma Prieta, and Seal Cove faults. A part of the City is within the Alquist/Priolo special studies zone. Seismological evidence indicates there is a probability of an earthquake in the region ranging from 5 to 7 on the Richter Scale. This potential for earthquakes influences fire protection planning in several ways. First, a major seismic event would create a city-wide demand on fire protection service which would be beyond the response capacity of the fire department. This potential problem can be mitigated by requiring initial fire control through the installation of automatic fire protection systems.

Secondly, as demonstrated above, structural damage to the overpasses on Highway 1 would seriously delay emergency vehicle access to major parts of the city.

Automatic fire sprinkler systems have proven themselves to be highly effective in early suppression of building fires in both commercial and residential buildings. When a fire is in its first stage of inception, the sprinkler system is activated. This can control the fire until our firefighting units can arrive on scene. In many cases the fire is extinguished prior to the arrival of the firefighting units. This ordinance would enhance the current code requirements by requiring all newly constructed buildings to be



equipped with an automatic fire sprinkler system. This ordinance would also require existing commercial buildings to be protected by a fire sprinkler system whenever an addition is added. Additions to residential buildings of 1,000 square feet or more in size would require that the building be protected with a fire sprinkler system. Detached garages not exceeding 1000 square feet in size would be exempt.

The building code designation for a detached garage relating to a residential building is "U-1". "R-1" occupancy is building code language for multi-family residential dwellings and "R-3" is code language for single family dwellings and duplexes. These designations should not be confused with planning and zoning terminology.

Current staffing levels in the Fire Department dictate that we utilize all available tools to help protect both life and property. Automatic fire-extinguishing systems are a relatively inexpensive tool that has proven effective in controlling and suppressing fire, especially when compared to personnel and equipment costs for additional firefighters.

**DOCUMENTS ATTACHED:**

Proposed ordinance

**COUNCIL ACTION REQUESTED:**

1. Move that the ordinance next in order entitled "An Ordinance of the City Council of the City of Pacifica Amending Title 4(Public Safety), Chapter 3; and Title 8 (Building Regulations), Chapter 1 of the Pacifica Municipal Code Amending California Fire Code Section 1003.2 and California Building Code Section 904.2 (2001 Editions) to Require the Installation of Automatic Fire Sprinkler Systems in Commercial and Residential Buildings." be read by title only and that further reading be waived.
2. Move introduction of the ordinance.
3. Direct staff to file a copy of the staff report and ordinance with the California Building Standards Commission.



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA  
AMENDING TITLE 4(PUBLIC SAFETY), CHAPTER 3; AND TITLE 8  
(BUILDING REGULATIONS), CHAPTER 1 OF THE PACIFICA MUNICIPAL  
CODE AMENDING CALIFORNIA FIRE CODE SECTION 1003.2 AND  
CALIFORNIA BUILDING CODE SECTION 904.2 (2001 EDITIONS) TO  
REQUIRE THE INSTALLATION OF AUTOMATIC FIRE SPRINKLER SYSTEMS  
IN COMMERCIAL AND RESIDENTAIL BUILDINGS.**

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

Section 1. The amendments and modifications to the  
California Fire Code and to the California Building Code set  
forth in this ordinance are reasonably necessary because of  
local climatic, geological or topographical conditions.

Section 2. Section 4-3.105 of Title 4, Chapter 3 is  
amended to read as follows:

"Amendments: Section 1003.2

Section 1003.2 of the California Fire Code is hereby  
amended to read as follows:

**Section 1003.2 Required Installations.**

- 1) An automatic fire-extinguishing system shall be  
installed in all occupancies and locations.  
Exception: Detached U-1 occupancies not exceeding  
1000 square feet in size.
- 2) **Existing Buildings or Structures:** An automatic fire  
sprinkler system shall be installed throughout all  
existing buildings when an addition is added to the  
building. **Exception:** When an addition to an R-1 or  
R-3 occupancy is less than 1,000 square feet, no



fire sprinklers are required in either the addition or the existing building."

Section 3. Section 8-106.5 of Title 8, Chapter 1, of the Pacifica Municipal Code is hereby amended to read as follows:

"Amendments: Section 904.2

Section 904.2 of the California Building Code is hereby amended to read as follows:

**Section 904.2 Required Installations.**

- 3) An automatic fire-extinguishing system shall be installed in all occupancies and locations.  
Exception: Detached U-1 occupancies not exceeding 1000 square feet in size.
- 4) **Existing Buildings or Structures:** An automatic fire sprinkler system shall be installed throughout all existing buildings when an addition is added to the building. **Exception:** When an addition to a R-1 or R-3 occupancy is less than 1,000 square feet, no fire sprinklers are required in neither the addition nor the existing building."

Section 4. The above mentioned ordinance shall become effective thirty (30) days after its adoption.



Section 5. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in the Pacifica Tribune, a newspaper of general circulation, published and circulated in the City of Pacifica, in accordance with Government Code Section 36933.

Passed and adopted by the City Council of the City of Pacifica at the regular meeting held on the \_\_ day of \_\_\_\_, 2006, by the following vote of the members thereof.

AYES, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:.

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Mayor Sue Degree

ATTEST:

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Kathy O'Connell, City Clerk

APPROVED AS TO FORM:

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Cecilia M. Quick, City Attorney



CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT

September 11, 2006

Agenda Item No. 12

**SUBJECT:**

Introduction of ordinance regarding "Smoke Free Beaches" and the Pacifica Pier

**ORIGINATED BY:**

Parks, Beaches, and Recreation Department

**DISCUSSION:**

At the City Council meeting of February 14, 2006, the City Council adopted its Strategic Plan. Goal #1 in the City's five-year plan is to 'Preserve and enhance Pacifica's natural resources and open spaces to ensure an ecologically vibrant community'. Objective 1A is to 'maintain the integrity of our ocean waters and beaches and to support community stewardship efforts.

The ordinance is intended to address public health and safety concerns caused by second hand smoke and to protect the public and environment from smoking and tobacco-related litter and pollution on the beaches and at the pier. The studies discussing the health impacts of smoking and the use of tobacco products are available for review in the City Clerk's office.

Although the enforcement of this chapter shall be the responsibility of the Pacifica Police Department, Pacifica code enforcement officials and the Rangers, public education and signage will be the main focus at the onset of the ordinance due to staffing levels and other priorities. Statistics show that there is a high level of compliance by citizens for tobacco control laws.

Specifically, staff has the following goals:

- (A) To continue to work with community groups such as Citizens for Clean Open Spaces and the Beach Coalition to educate the public on issues of: preservation of sensitive ecosystems, public health, environmental stewardship, and pride in community.
- (B) To integrate 'Litter and Smoke Free' signage into existing signs at Beach/Pier locations in a manner that will be attractive as well as useful and to include a universal symbol component. The provision of Ash receptacles and increased disposal cans strategically placed will be provided to assist with the reduction of litter and to aid with non-smoking compliance on the beaches and at Pacifica Pier.

**ATTACHMENTS:**

Ordinance

**COUNCIL ACTION REQUESTED:**

- 1) Move that the ordinance next in order entitled "An Ordinance of the City Council of the City of Pacifica Prohibiting the Use of Tobacco Products in or Around Beaches and at the Pacifica Pier Amending Section II, Title 4 of the Pacifica Municipal Code by adding Chapter 14" be read by title only and that further reading be waived
- 2) Move Introduction of the Ordinance



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PACIFICA  
PROHIBITING THE USE OF TOBACCO PRODUCTS  
IN OR AROUND BEACHES AND AT THE PACIFICA PIER**

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

**SECTION I. FINDINGS.** The City Council of the City of Pacifica hereby finds and declares as follows:

WHEREAS, scientific studies have concluded that cigarette smoking causes chronic lung disease, coronary heart disease and various other diseases.

WHEREAS, more than 440,000 people die from tobacco-related diseases every year, making it the nation's leading cause of preventable death in the United States; and

WHEREAS, the World Health Organization estimates that by 2030, tobacco will account for 10 million deaths per year, making it the greatest cause of death worldwide; and

WHEREAS, the United States Environmental Protection Agency has found secondhand smoke to be a risk to public health, and has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen; and

WHEREAS, secondhand smoke is responsible for an estimated 38,000 deaths among non-smokers each year in the United States, which includes 3,000 lung cancer deaths and 35,000 deaths due to heart disease; and

WHEREAS, 87.9% of non-smokers showed detectable levels of cotinine (a metabolite of nicotine) in their blood, the most likely source of which is secondhand smoke exposure; and

WHEREAS, secondhand smoke exposure adversely affects fetal growth with elevated risk of low birth weight, and increased risk of Sudden Infant Death Syndrome in infants of mothers who smoke; and

WHEREAS, secondhand smoke exposure causes 300,000 children in the United States under the age of 18 months to suffer lower respiratory tract infections such as pneumonia and bronchitis, exacerbates childhood asthma, and increases the risk of acute, chronic middle-ear infections in children; and

WHEREAS, state law prohibits smoking within twenty-five feet of playgrounds and tot lots while expressly authorizing local communities to enact additional restrictions (Health & Safety Code § 104495); and

WHEREAS, tobacco use begins young: 88% of adults who have ever smoked tried their first cigarette by the age of 18; the average age at which smokers try their first cigarette is 14; and studies have found that smokeless tobacco use begins on average between the ages of 16 and 18; and

WHEREAS, adolescents are at greater risk of using tobacco products when they perceive that



tobacco use is normal; and

NOW THEREFORE, it is the intent of the City of Pacifica, in enacting this ordinance, to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of tobacco use around non-tobacco users; by protecting children from exposure to smoking and tobacco while they play, and from potentially associating smoking and tobacco with a healthy lifestyle; by protecting the public from smoking and tobacco-related litter and pollution; and by affirming and promoting the family atmosphere of the City of Pacifica's beach areas.

**SECTION II.** Title 4 of the Pacifica Municipal Code is hereby amended by adding Chapter 14 to read as follows:

**Sec. 4-14.01. DEFINITIONS.** For the purposes of this chapter, the following definitions shall govern unless the context clearly requires otherwise:

- (a) "Beach" means that land lying between State Highway 1 in the City and the line of ordinary tide of the Pacific Ocean. "Beach" shall also include any pier, jetty or structure on such land that is designated or designed to provide swimming, boating, fishing, sightseeing or other waterfront activities.
- (b) "Smoking" or to "Smoke" means possessing a lighted tobacco product, lighted tobacco paraphernalia, or any other lighted weed or plant (including but not limited to, a lighted pipe, lighted hookah pipe, lighted cigar, or lighted cigarette of any kind), or the lighting of a tobacco product, tobacco paraphernalia, or any other weed or plant (including but not limited to, a pipe, a hookah pipe, cigar, or cigarette of any kind).
- (c) "Tobacco Product" means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco.

**Sec. 4-14.02. SMOKING AND TOBACCO PRODUCT USE PROHIBITED ON BEACHES**

- (a) No person shall smoke or use a tobacco product on any beach located within the City of Pacifica or on the Rev. Herschell Harkins Memorial Pier, also know as the Pacifica Pier.
- (b) Smoking is prohibited in all portions of the beach, including: sand, grassy areas and picnic tables.
- (c) No person shall dispose of smoking waste or tobacco product waste on a beach or pier except in a designated waste disposal container.
- (d) "No Smoking" or "Smoke Free" signs, with letters of no less than one inch in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted by the City Manager or appropriate designee on every beach in which smoking is prohibited by this chapter. Signs shall include the city phone number where complaints can be directed.



- (e) The absence of signs required by subsection (d) above shall not be a defense to a violation of any provision of this chapter.
- (f) No person shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to attain compliance with this chapter.
- (g) Each instance of smoking or disposing of smoking waste or tobacco product in violation of this chapter shall constitute a separate violation.

**Sec. 4-14.03. ENFORCEMENT.**

- (a) The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.
- (b) Violations of this chapter may, in the discretion of the City Prosecutor, be prosecuted as infractions or misdemeanors and shall be punished, at a minimum, by a fine of one hundred (\$100) for a first violation, two hundred dollars (\$200) for a second violation, and five hundred dollars (\$500) for a third or subsequent violation.
- (c) Any violation of this chapter is hereby declared to be a public nuisance.
- (d) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this ordinance shall also constitute a violation.
- (e) Enforcement of this chapter shall be the responsibility of the Pacifica Police Department, Pacifica code enforcement officials and the park Rangers.

**SECTION III.** Chapter 9 of Title 4 of the Pacifica Municipal Code is amended by adding Section 4-9.11 to read as follows:

Sec. 4-9.11 - Use of Tobacco Products.

Use of tobacco products on the Rev. Herschell Harkins Memorial Pier, also known as the Pacifica Pier is regulated by Pacifica Municipal Code Title 4 Chapter 14.

**SECTION IV.** Chapter 10 of Title 4 of the Pacifica Municipal Code is amended by adding Section 4-10-125 to read as follows:

Sec. 4-10.125.-Use of Tobacco Products.

Use of tobacco products on a beach is regulated by Pacifica Municipal Code Title 4 Chapter 14.

**SECTION V. SEVERABILITY.** It is the intent of the City Council of the City of Pacifica to supplement applicable state and federal law and not to duplicate or contradict such law and this Ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections,



subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Pacifica hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**SECTION VI. PUBLICATION.** The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in the Pacifica Tribune, a newspaper of general circulation, published and circulated in the City of Pacifica in accordance with California Government Code Section 36933, and shall cause this ordinance to be entered into the Pacifica Municipal Code.

The foregoing ordinance was introduced on \_\_\_\_\_ and passed and adopted at a regular meeting of the City Council of the City of Pacifica held on the \_\_\_\_ day of \_\_\_\_\_, 2006, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

APPROVED:

\_\_\_\_\_  
Sue Digre  
Mayor

ATTEST:

\_\_\_\_\_  
Kathy O'Connell  
City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Cecilia M. Quick  
City Attorney



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

Agenda Item No. 13

**SUBJECT:**

Approve Purchase Order for the sole-source purchase of four mixing pumps with expansion boots, four foam control systems, four radar foam sensors, two heat exchangers, control cabinet with control logix PLC, panelview touchscreen, communication card, and backup battery system to reduce Digester Odor at the Wastewater Treatment Plant

**ORIGINATED BY:**

Public Works Department

**DISCUSSION:**

The City Council approved the Design Study by Thermal Process Inc., in March, 2005. Thermal Process has been successful in the operation and odor control for the type of ATAD digesters that are currently installed in Pacifica. The City has successfully verified that their design technology works for controlling odor. The City has installed a significant portion of the design recommendations but need to complete the process to successfully control the operation of the digesters.

City staff in an attempt to conserve budget funds has attempted to control the operation of the digesters manually, but without full implementation of the control system, including foam control, the operators are fighting a losing battle. To control the odor, the digesters must fully oxidize the sludge from the secondary system. To fully oxidize the sludge there is a transition period in which foam is created. The digesters do not have an automatic foam control system. When the digesters foam, the air levels need to be reduced in order to reduce the foam. The reduced air levels cause odor. Without foam control, the system violates water quality requirements and causes additional odor.

The complete system requires automatic foam control, automatic air control and an additional air and foul air header. Modifications of these types of digesters have been successful and are in demand. The lead time for the foam control pumps is over 20 weeks. We intend to competitively bid the contract for installation, including roof penetration and roof repairs in October, with construction commencing in November. The Thermal Process Systems purchase order will be assigned to the contractor who will do the installation.

Numerous factors support the sole-source procurement of this equipment without competitive bidding. First, only one manufacturer can make the pumps required for this operation. The trademarked pumps are sold only by Thermal Process Systems. Second, the pumps are a long-lead time item (delivery generally takes 12-16 weeks following approval of the vendor's engineering submittals). Based on the impact of the plant odor, staff believes it is in the best interest of the public health, safety and welfare to expedite delivery and installation of this particular equipment by ordering the equipment from a known vendor prior to bidding on the



contract for installation. The purchase order will be assigned to the contractor who is awarded the contract for installation.

**FISCAL IMPACTS:**

The cost of the complete equipment package is \$385,328, plus sales tax, for a total of \$417,117. This project has been included in the current budget, with approved funding in the amount of \$250,000. Additional budget authority is required for \$175,000.

**ATTACHMENTS:**

Purchase Order and Thermal Process Systems' proposal.

**COUNCIL ACTION REQUESTED:**

Authorize the City Manager to enter into a Purchase Order with Thermal Process for an upper limit of \$390,000; to purchase modification equipment for the Calera Creek Digesters.



**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**September 11, 2006**

Agenda Item No. 14

**SUBJECT:**

Resolution of Intention of the City Council of the City of Pacifica to Vacate a Portion of the San Pedro Terrace Road Right-of-Way Adjacent to Undeveloped Land on San Pedro Terrace Road (APN 023-075-040), Reserving Easements for Public Utilities and a Bike Trail/Sidewalk, and Setting a Public Hearing.

**ORIGINATED BY:**

Scott Holmes, Director of Public Works

**DISCUSSION:**

This agenda item concerns a proposal to vacate a portion of the San Pedro Terrace Road right-of-way adjacent to undeveloped land on San Pedro Terrace Road (APN No. 023-075-040) (hereafter "the Property"). On June 22, 2006, the City and fee title owners of the Property entered an Easement Acquisition Agreement to convey to the City an easement across the Property for drainage and flood control purposes. As a condition precedent to the granting of the easement, the City agreed to initiate the process of abandoning and vacating a 20-foot wide portion of the San Pedro Terrace Road right-of-way fronting on the Property. In return, the owners of the Property agreed to grant the easement to the City within five (5) days of the City Council's adoption of a Resolution of Intention to vacate this portion of the San Pedro Terrace Road right-of-way.

The parties further agreed (1) that the existing utilities and sidewalk in the vacated portion of the right-of-way would remain in place or be moved at the landowner's expense; (2) that the abandonment would reserve a ten (10) foot wide easement for the proposed San Pedro Terrace Multi-Use Trail, a bicycle and pedestrian trail approved as part of the Pacifica State Beach Master Plan for Public Improvements; (3) that the abandonment process would be conducted by the City in a manner consistent with all applicable legal requirements; and (4) that nothing in the Agreement could be deemed to restrict in any way the City's discretion to consider, modify, approve and/or reject the proposed abandonment.

In accordance with Administrative Policy No. 5, the Planning Administrator has reviewed the proposed vacation for consistency with the Pacifica General Plan. The Planning Commission, during its regular meeting of July 17, 2006, adopted a resolution (No. 827) certifying that the proposed vacation is consistent with the General Plan. The Engineering Division also has prepared a report finding that the portion of San Pedro



Terrace Road proposed for vacation is unnecessary for present or prospective public use and no longer needed for vehicular traffic.

Section 8355 of the Streets and Highways Code allows a city to sell or exchange city-owned property formerly subject to a street right-of-way upon a finding that the property is no longer needed by the public. Through incorporation and annexation, the City obtained fee title to the land underlying the San Pedro Terrace Road right-of-way, which formerly was owned by San Mateo County. Because the portion of the right-of-way proposed for vacation is unnecessary for present or prospective public use, the underlying property is no longer needed by the public.

Following completion of vacation proceedings under the current proposal, title to a portion of the right-of-way proposed for vacation, as more particularly described in Exhibit A to the attached Resolution of Intention, would be transferred to the owner of the adjacent undeveloped lot (APN 023-075-040), subject to all reserved easements for public utilities, a bike trail, and a sidewalk. The transfer would be for the public purpose of facilitating acquisition of the drainage easement from the adjoining landowner. Flood control activities made possible by acquisition of the easement will benefit all landowners and residents adjacent to the lower portion of San Pedro Creek. The area of the parcel to be transferred is less than 5,000 square feet and is exempt from the provisions of Government Code section 54220 et seq. governing disposition of surplus public property.

Staff recommends adoption of the resolution next in order Resolution of Intention of the City Council of the City of Pacifica to Vacate a Portion of the San Pedro Terrace Road Right-of-Way Adjacent to Undeveloped Land on San Pedro Terrace Road (APN 023-075-040), Reserving Easements for Public Utilities and a Bike Trail/Sidewalk, and Setting a Public Hearing.

**ATTACHMENTS:**

1. Resolution of Intention of the City Council of the City of Pacifica to Vacate a Portion of the San Pedro Terrace Road Right-of-Way Adjacent to Undeveloped Land on San Pedro Terrace Road (APN 023-075-040), Reserving Easements for Public Utilities and a Bike Trail/Sidewalk, and Setting a Public Hearing
2. Exhibit A (Legal Description of Proposed Vacation and Reservations)
3. Exhibit B (Plat Map of Proposed Vacation and Reservations)
4. Resolution No. 827 of the Planning Commission of the City of Pacifica
5. Engineering Division Report

**COUNCIL ACTION REQUESTED:**

Adopt the resolution next in order Resolution of Intention of the City Council of the City of Pacifica to Vacate a Portion of the San Pedro Terrace Road Right-of-Way Adjacent to Undeveloped Land on San Pedro Terrace Road (APN 023-075-040), Reserving Easements for Public Utilities and a Bike Trail/Sidewalk, and Setting a Public Hearing.



**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**September 11, 2006**

Agenda Item No. 15

**SUBJECT:**

Resolution of Intention of the City Council of the City of Pacifica to Vacate a Portion of San Pedro Terrace Road, Reserving Easements for Public Utilities, Emergency Vehicle Access, and a Nonvehicular Trail, and Setting a Public Hearing.

**ORIGINATED BY:**

Scott Holmes, Director of Public Works

**DISCUSSION:**

This agenda item concerns a proposal to vacate a portion of the San Pedro Terrace Road right-of-way.

In an effort to improve public access to and enjoyment of Pacifica State Beach, as well as to restore the natural beach profile and dune habitat, the City prepared and adopted the Pacifica State Beach Master Plan for Public Improvements ("Master Plan"). One of the projects proposed in the Master Plan, the San Pedro Terrace Multi-Use Trail ("Multi-Use Trail"), called for construction of a bicycle and pedestrian pathway from the Coastal Trail to Peralta Road via San Pedro Terrace Road. This trail was intended to provide a nonvehicular link between the beach and other recreational and open space facilities, particularly San Pedro Valley Park and McNee Ranch State Park, as well as to expand the City's network of bike trails consistent with the Pacifica Bicycle Plan. As part of the Multi-Use Trail project, the Master Plan recommends the permanent closure and abandonment of the portion of San Pedro Terrace Road between Highway 1 and the Linda Mar Convalescent Hospital. The City prepared an Initial Study/Mitigated Negative Declaration for the Master Plan, and certified that document under the California Environmental Quality Act on July 22, 2002 (Res. No. 34-2002).

This proposal would vacate and close permanently the portion of San Pedro Terrace Road between Highway 1 and a point approximately 120 feet west of the westernmost boundary of lands owned by the Fairfield Pacifica Company (the site of the Linda Mar convalescent hospital) to facilitate construction of the Multi-Use Trail. Easements for public utilities, emergency vehicle access, and a non-vehicular trail would be reserved by the City. This portion of the proposed vacation and reserved easements are described in Exhibit A and shown on Exhibit B to the proposed Resolution of Intention.



In accordance with Administrative Policy No. 5, the Planning Administrator has reviewed the proposed vacation for consistency with the Pacifica General Plan. The Planning Commission, during its regular meeting of July 17, 2006, adopted a resolution (No. 828) certifying that the proposed vacation is consistent with the General Plan. The Engineering Division also has prepared a report finding that the portion of San Pedro Terrace Road proposed for vacation is unnecessary for present or prospective public use and no longer needed for vehicular traffic.

Staff recommends adoption of the resolution next in order Resolution of Intention of the City Council of the City of Pacifica to Vacate a Portion of San Pedro Terrace Road, Reserving Easements for Public Utilities, Emergency Vehicle Access, and a Nonvehicular Trail, and Setting a Public Hearing.

**ATTACHMENTS:**

1. Resolution of Intention of the City Council of the City of Pacifica to Vacate a Portion of San Pedro Terrace Road, Reserving Easements for Public Utilities, Emergency Vehicle Access, and a Nonvehicular Trail, and Setting a Public Hearing
2. Exhibit A (Legal Descriptions of Proposed Vacation and Reservations)
3. Exhibit B (Plat Maps of Proposed Vacation and Reservations)
4. Resolution No. 828 of the Planning Commission of the City of Pacifica
5. Engineering Division Report

**COUNCIL ACTION REQUESTED:**

Adopt the resolution next in order Resolution of Intention of the City Council of the City of Pacifica to Vacate a Portion of San Pedro Terrace Road, Reserving Easements for Public Utilities, Emergency Vehicle Access, and a Nonvehicular Trail, and Setting a Public Hearing.