

MINUTES

City Council Regular Meeting
2212 Beach Boulevard
Pacifica, CA 94044

May 23, 2011

Mayor Nihart called the meeting to order at 6:00 p.m., stating that all councilmembers were present. City Attorney Quick announced the business to be discussed:

PURSUANT TO GOVERNMENT CODE SECTION 54957: Public Employee
Performance Evaluation: Position: City Attorney.

Mayor Nihart convened to Closed Session.

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

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

Staff Present: Steve Rhodes, City Manager; Michelle Kenyon, Acting City Attorney; Ann Ritzma, Administrative Services Director; George White, Planning Director; Van Ocampo, Director of Public Works/City Engineer; Ray Donguines, Associate Civil Engineer; Jim Tasa, Police Chief; Lee Diaz, Associate Planner; Mike Perez, PB&R Director; Ed Vandehey, MIS Manager; Kathy O'Connell, City Clerk.

Mayor Nihart led the Salute to the Flag.

Commission Liaison: Planning Commissioner Leon.
Chamber Liaison: None.

CLOSED SESSION:

None.

CONSENT CALENDAR:

Mayor pro Tem DeJarnatt moved approval of the Consent Calendar, as amended, as follows: Approval of disbursements dated 05/09/11 to 05/09/11 in the amount of \$9,180.00, regular and quick checks numbered 13432 through 13436 and disbursements dated 04/27/11 to 05/09/11 in the amount of \$771,925.89, regular and quick checks numbered 13297 through 13431 and 13437 through 13446, as set forth in Item #1; Approval of Minutes of regular City Council meeting of May 9, 2011, as set forth in Item #2; Adoption of An Ordinance Entitled "An Ordinance of the City Council of the City of Pacifica Amending Sections 6-6.404 and 6-6.406 of Chapter 6, Title 6, (Sewer Charges) of the Pacifica Municipal Code to Revise and Increase the City's Sewer Charges", Second Reading, as set forth in Item #3; Authorization of Agreement to Terms with Pacifica School District for Rental Space for Childcare Services in the amount of \$142,272 for the 2011-2012 School Year, as set forth in Item #4; Authorization of Award of Contract to RedZone Robotics/ICOMMM, Inc. in the Amount of \$209,770 for the City of Pacifica WasteWater Collections Asset Management Software [Sewer Facility Construction Fund 34, Account No. 34.9000000.5xxxx.C022.000 – CMMS Maintenance Software], as set forth in Item #5; seconded by Councilmember Digre.

Councilmember Digre referred to page 10 of the minutes and clarified that her comments regarding her concern about cutting school budgets instead of increasing school budgets were referring to the fact that she couldn't understand how they could close schools so early.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion carried: 5-0.

SPECIAL PRESENTATION:

None.

PUBLIC HEARINGS:

6. Recology of the Coast Rate Increase Application.

Admin. Services Dir. Ritzma presented the staff report.

Mayor Nihart reiterated that anyone wanting to turn in a protest letter must turn them in before closing the public hearing.

Mayor Nihart opened the Public Hearing.

Leo Leon, Edgemar Avenue, stated that he was disappointed in the rate increase, specifically from the standpoint of the new process being a less labor intensive operation, and not taking advantage of the savings to turn them into lower rates. He stated that the ratepayer pays for the service and franchise fees and, while acknowledging that the City was looking out for the City and Recology was looking out for Recology, he hoped that the ratepayer figured into the equation. He stated that he had done some research of other cities on the peninsula and he discovered that, with few exceptions, they entered into a joint authority called South Bay Waste Management Authority. He felt that numbers speak loudly and he urged the city to consider looking at the benefits and possibly entertaining participation in this Joint Powers agreement in the future.

Thomas Clifford, 1122 Sheila Lane, stated that an 8% rate increase at this time was just too much because of people losing their jobs and homes. He also stated that the homeless in Pacifica has skyrocketed and everyone is cutting back but the Council was now poised to add to their burden. He questioned how businesses can compete if their high garbage rates are going up again. He stated that Recology was the only business in town that does not have to compete, was a monopoly with a captive clientele, mentioning the law that residences and businesses must have garbage pickup, and has a contractually guaranteed profit. He referred to the original 5% rate increase to provide for the additional cost of services, and he asked if the city was leasing something that we already paid to purchase. If they were using rate increases to buy trucks and carts, he asked if the rate increase should have a sunset clause. He referred to the rate increase paying for the purchase of equipment, and asked whether that equipment should then belong to the ratepayers rather than Recology. He felt that, when this contract came up for renewal, competitive bids should be sought because he felt no competition in the government bidding process was bad public policy.

Lionel Emde, 130 Gordon Way, stated that Pacifica had the highest rates in the county for at least the last five years, and he stated that it was confirmed by a staff report in the San Bruno City Council hearing. He commented that the lack of commercial was the reason for residential having to subsidize the high cost yet, in Montara and El Granada, it was less than half of Pacifica. He referred to Atherton's rate increase, and stated that the 20-gallon cart was the same as Pacifica and they don't have any commercial. He asked who the commercial were subsidizing with the high rates. He then stated that he had an issue with the audit, which he felt was actually a review. He explained that Mr. Hilton's firm was given information by a party with a vested financial interest, and they did not get a look at the books and raw data which was why a disclaimer was added stating that it was not his fault if there was something he didn't know about. He had a problem with that and asked that the Council step back and think carefully about working for the citizens, not working for Recology. He referred to the hundreds of residents who have lost jobs and homes and the 1 in 4 who qualify for private or public assistance, and he asked if they can afford a penny more on their rates. He stated that the citizens would continue to resist, and he asked what justification there would be for a rate increase in January or if it would continue to be a mystery.

Bernie Sifry, Pacifica, stated that he listened to the three previous speakers, and he couldn't say he disagreed with them but couldn't say he agreed with them either. He mentioned that he had asked the Council for the hidden expense going on and he found it with his own research because he didn't get an answer from the City. He then explained that there were certain services built into the Recology contract with the City that were "freebies," mentioning pickup from the beach, fire house, police station, city property, playgrounds, which cost roughly \$450,000, as well as other fees, which the ratepayer picks up. He suggested that the Council let others know where the added amount comes from.

Fred Howard, Pacifica, commented that it was a breath of fresh air to be in the 21st century in how our garbage was picked up. He referred to the comments about the rate increase but not one mentioned that we are paying less for our garbage. He stated that he personally paid half of what he was paying before for a family of five. He stated that what the City gets free was negotiated many years ago and it was not a secret and not hidden. He referred to Half Moon Bay where they have to put out 25 garbage bins during the Pumpkin Festival and not charge the city and we just started getting that here from Recology. He commented that they didn't ask for a rate increase because of gas costs, yet Coastside used to do that. He stated that they were in business and didn't realize that almost 50% of the community would go to the small can, adding that there are probably about 90% in his area that went to the small can. He thanked Council for getting a company that worked in the 21st century.

Tod Schlesinger, Linda Mar, stated that the 8% worked out to \$1.62 or \$20 a year, adding that it didn't affect him. He thought the reason we were getting increases that we can't keep up with was lack of revenue, but he did agree with Fred Howard that the service has improved and the amount of garbage he is generating has decreased. For that reason, we will have to do what we have to do and bite the bullet and everyone has to "eat" \$19.44 per year.

Therese Dyer, Pacifica, stated that she agreed with everyone except the last two, adding that most of the time she agrees with Tod Schlesinger but not on this one. She stated that she checked the figures as Bernie Sifry did and wouldn't repeat. She commented on Recology being in the red when they took over because deadbeats didn't pay their bills. She asked why other residents should have to pay for the deadbeats. She felt that should have been taken care of by scavengers and our City Attorney. She commented that she was a two-party household and she can do her recyclables about once a month, the compost every two months and garbage every other week.

She acknowledged that it made a difference on how many members are in a family, etc. She put the blame on all of the Council, mentioning that they got a letter from Mr. Emde before the contract was signed but they didn't read it. As a result, it cost both the City and Recology \$100,000 each, and she asked who was going to pay for that lawsuit. She concluded that, before the Council signs another contract, they should listen to all the people and they might get a little smarter.

Pete Pereira, Pacifica, stated that he wasn't saying that this contract was a bad deal but he thought Pacifica was the only city that gave seniors a discount. He commented that his 32-gallon can was \$14.35 before and now his 20-gallon can was \$20 and now they were asking for more. He felt it made you think that the City screwed the old garbage company. He felt bad that the new company came in and we gave them money and the previous company was a first class garbage company but they couldn't pay their franchise fee. He stated that there should be a way to collect on garbage so they don't have to push for rate increases. He couldn't complain, adding that the garbage was not that high anyway, but he hated to think that the old garbage company took a shellacking.

Mayor Nihart closed the Public Hearing.

Councilmember Vreeland referred to the report mentioning going from \$31.19 to \$20.24 a month, and assumed that was the change of going from Coastside to Recology.

Admin. Serv. Dir. Ritzma stated that it was the change in services. Most individuals who needed the 32-gallon in the old Coastside system found that the new Recology system allowed them to go to a 20-gallon can which was significantly less expensive and allowed them to do the recycling and composting.

Councilmember Vreeland stated that one of the speakers mentioned the AB939 requirement which was money set aside to help us improve recycling and asked if it was the City complying with the state law.

Admin. Serv. Dir. Ritzma agreed, clarifying that we needed to comply with AB939 as well as doing recycling education and increase our diversion rate by state mandate. She added that we have reached our 50% diversion rate this year.

Councilmember Vreeland thought that, over the past few years, we have gone through the high 30s, 40s and now were at 50%.

Admin. Serv. Dir. Ritzma responded that he was correct.

Councilmember Vreeland stated that it was not only the fee that was charged but also some of the education that has taken place as well as the improvement in collection services.

Admin. Serv. Dir. Ritzma agreed that it was a combination of all, but they saw a significant increase in diversion with the new services which allowed people to do single stream recycling as well as composting.

Councilmember Vreeland assumed composting had a big impact as far as getting it out of the waste stream.

Admin. Serv. Dir. Ritzma stated that it was a significant impact.

Councilmember Vreeland stated that someone mentioned the Frontierland Park fee, and he asked if that was something that was part of the remediation or environmental monitoring cleanup for that being an old dump.

Admin. Serv. Dir. Ritzma responded that he was correct. Frontierland Park was actually an old dump and the City was obligated to continue monitoring that site and required by law to do additional remediation work.

Councilmember Vreeland stated that protects people in Frontierland Park as well as the cap of the facility, concluding that it ensures that nothing was coming off the site that could impact San Pedro Creek.

Admin. Serv. Dir. Ritzma responded that he was correct.

Councilmember Vreeland thanked her for the report and he would talk again after the rest of the Council had a chance to talk.

Mayor Nihart asked if it was possible that the state would come in the future and ask for a methane gas recapture or other things at Frontierland Park.

Admin. Serv. Dir. Ritzma agreed that it was possible that they would ask for additional work in Frontierland Park along with our climate action initiatives that we need to do.

Mayor pro Tem DeJarnatt commented that he remembered going to Frontierland Park as a kid and dumping things like paint, etc., stating that it was a dump for a long time. He stated that it has been venting methane for a lot of years which was part of what was costing the money to divert it harmlessly. He referred to mention of the senior rate which he agreed was far below cost, but he stated that one of the things they were told was that they could not give a group of citizens a preferential rate legally. He stated that, for future reference, he would be interested in a joint power authority which he thought would save money. He also stated that he would want a ten-year contract instead of 15 years. He would be ready to make a motion when they are ready.

Councilmember Digre felt they have been wrestling with this for a long time, thinking that they would have to go out and do the job if the old company was not able to continue. She felt they were in a dire situation and it was not a case of the old company being treated badly. She stated that they have always been cognizant of protecting the residents as much as possible. She felt that getting to where they were now was part of the process, and as a community we need street lights, garbage, etc., and she didn't think they would ever let up looking for better options. She appreciated comments and research by the local residents. She acknowledged that they could miss something, but she felt they vetted this pretty well. She thought it would help to explain the rates in the different cities, and she thought it might be worthwhile to keep a record of their process to pass out because it was not a sit down, look, listen and vote.

Mayor Nihart commented that, when going through the contract, they were given lists of averages for fees, etc., and they looked at each of those things when Recology purchased the contract from Coastside. She was satisfied at that time regarding where they were with the fees. She mentioned that they had voted for an RFP before Recology agreed to purchase the contract from Coastside. She explained the process the Council followed and what the fees actually were covering and that they were borne by all of us for all of us. She then referred to the contract and the mechanism for Prop 218 fees coming forward for an increase, and asked Acting City Attorney

Kenyon what would happen if the review called for more than 8% and the Council didn't go that route.

Acting City Attorney Kenyon stated the contract was a contract between Recology and the City, and it had a specific formula on the method used by consultants and staff to determine what the rate increase should be. In this case, staff, consultants and Recology followed that methodology and there was very little discretion within the Council's authority to do anything but accept the rate increase because it follows to the letter the methodology provided in the contract.

Councilmember Digre felt it was important to point out that the City did not go looking for Recology but they showed up and was willing to take over the other company.

City Clerk O'Connell reported that, at the close of the Public Hearing, 351 valid protests were received, representing 3.07%, resulting in the absence of a majority protest.

City Manager Rhodes asked that the calculation be done again because he didn't think it was correct.

Mayor pro Tem DeJarnatt agreed, stating that it was not 3%.

City Clerk O'Connell amended her previous statement, stating that 351 valid protests were received which represents .03% which constitutes an absence of a majority protest.

Mayor pro Tem DeJarnatt stated that it could not be right. He stated that it was approximately 11,500 parcels, and 10% of that was 1,150 and a third of that was about 400 so it has to be 3 point something percent. He stated that she was right the first time.

City Clerk O'Connell agreed that it was 3%.

Mayor pro Tem DeJarnatt moved that the City Council adopt a resolution of the City of Pacifica approving the 8% rate increase per Recology of the Coast's rate application for the period of June 1, 2011 to December 31, 2011; seconded by Councilmember Vreeland.

Councilmember Vreeland thanked the mayor for her question to the Acting City Attorney which he felt help clarify exactly what they were doing.

ROLL CALL VOTE:

Ayes: Councilmembers: Stone, Digre, Vreeland, DeJarnatt and Nihart.
Noes: Councilmembers: None.

Motion passed: 5-0.

7. Resolution of the City Council of the City of Pacifica Adopting the 2011-2016 Capital Improvement Program of the City of Pacifica.

Assoc. Civil Engineer Donguines presented the staff report.

Councilmember Stone thanked him for changing the misleading statement in the staff report regarding a reference to the general fund which should have been the general capital improvement fund.

Councilmember Digre referred to the Calera Parkway section in the report where there was a reference to providing additional travel lanes to both north and south bound Highway 1, explaining that we have to be careful how we say that.

Mayor Nihart pointed out that, if the project was a “may”, the whole thing was a may, specifically they were only describing what may happen if they may do the project.

Assoc. Civil Engineer Donguines agreed, adding that they would make that change.

Councilmember Digre appreciated that they would add a “may” in the second section.

Mayor Nihart opened the Public Hearing.

Tod Schlesinger, Linda Mar, stated that he was not up to speed on this and asked if they could answer a question. He thought that, from the bulletin board, this looked like federal funds. He asked where the money was coming from, adding that he was embarrassed not to know since he usually didn't speak when uninformed.

Assoc. Civil Engineer Donguines explained that different projects have different funding sources and were identified in the back. He stated that there were projects that were funded by the federal government and they were listed also.

Mr. Schlesinger asked confirmation that this money could not go to the General Fund.

Mayor Nihart confirmed that it could not.

Mayor Nihart closed the Public Hearing.

Councilmember Stone didn't have any question on the report, but he asked that in the next couple of months they go over this in possibly a study session to review the projects to ensure that the report was up to date. He thought it has been around for a while without too much change, and he would like input on how they look at the projects and their prioritization.

City Manager Rhodes stated that they were at a point where the action sets the plan and he suggested that, in the fall, they start a process to revise and change the plan for the following year.

Councilmember Stone agreed with his suggestion. He acknowledged that they had to approve the plan now, but for the next year, he felt they needed to start early to look at them and prioritize them.

City Manager Rhodes agreed.

Councilmember Vreeland moved that the City Council adopt the resolution next in order Resolution of the City Council of the City of Pacifica Adopting the 2011-2016 Capital Improvement Program of the City of Pacifica; seconded by Mayor pro Tem DeJarnatt.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

8. Public Hearing to Consider Provisions and Rate of the Gas and Electric Utility Users' Tax (UUT).

Admin. Ser. Dir. Ritzma presented the staff report.

Mayor Nihart opened the Public Hearing and, seeing no one, closed the Public Hearing.

Councilmember Vreeland asked confirmation that they didn't need a motion if they were not changing anything.

COUNCIL COMMUNICATIONS:

Councilmember Stone reminded everyone that he was having a coffee on June 4 at Mazzetti's Bakery, 9:00 a.m. for citizens to visit with him and share input. His past one was great and he heard from the members of the public and they were able to have a dialogue on a variety of topics.

Councilmember Digre stated that the Economic Development Committee meeting was a good one, adding that the next one would be July 12. She encouraged the public to get as involved as possible. She stated that the Open Space meeting was cancelled. She was glad it was cancelled because she was in Sacramento with the League of Cities. It was interesting, although she thought there was a glimmer of hope that the economy was getting better. They had former mayor of San Francisco, Willie Brown, who gave some interesting statements. She attended the event for PCT honorees, which was a delightful event.

Mayor Nihart stated that she represented Pacifica at the memorial service for Omar Ahmad, mayor of San Carlos. She would hope to have even a 32nd of that kind of outpouring. She also enjoyed the Council of Cities presentation. She mentioned that one of Willie Brown's comments was about the difference between the state and local government. She stated that he had a nice package of how he would like to see the scenario go to save the budget, adding that the May revise was out. CCA G got an update on that. She then mentioned that she had attended the meeting on the 12th and they had moved the money forward to the MTC, approving projects like the Milagra Overpass, etc. She stated that Kevin Mullen would be joining MTC. She stated that the Economic Development meeting was very good. She then mentioned that Councilmember Digre went from the Council of Cities meeting to Evening with the Stars. She then mentioned the Best of the Road contest by Rand McNally and she was excited to nominate Pacifica and had started an email chain to move Pacifica into first place for the most beautiful city, and they also nominated a number of their businesses. She also represented Pacifica for the Breakfast of Champions and handed out commendations for all the champions at the schools. She then mentioned Pacifica Education Foundation also had an event on Saturday. She stated that both she and Mayor pro Tem DeJarnatt were at Dog Days where she was a judge. She couldn't remember the actual winners, but felt all of them were winners. She encouraged everyone to look at the Mayor's project and vote for the Most Beautiful town, Pacifica.

ORAL COMMUNICATIONS

Mayor Nihart opened Oral Communications.

Pete Pereira, Pacifica, stated that California told cities that they couldn't merge lots that were substandard and in common ownership, yet his lots were merged illegally into one lot. He stated

that he has tried many ways to get them undone. He mentioned that the City Attorney was not present and probably was not coming back, but had written that his lots were not a regular subdivision and wrote fiction and tried to call it fact. He reiterated that his five lots were standard yet the City Attorney was saying that his lots never existed and he was trying to circumvent the system but she was wrong. He stated that they need to have someone to get back to him to let him know where the City stands on this because, if the City wants it, they will get litigation because he was not going to let someone merge his lots and sit and take it. He knew he didn't have many years here, and he wanted to get things squared away for his kids.

Courtney Conlan, CEO, Pacifica Chamber of Commerce, thanked Mayor Nihart for "touting" Pacifica and putting us on the map. She heard her pledge at Evening of the Stars and the Chamber of Commerce was going to help. She thanked her for this. She then referred to Councilmember Stone's coffee at Mozzetti's, and suggested that he go from there to Nick's for the Chamber's Taste of Pacifica, 12 to 3 p.m. She stated that they would be showcasing over 14 different restaurants. This will be an opportunity for the community to come together and support local restaurants. She added that the proceeds would be helping the Chamber of Commerce with their new membership software. She then mentioned that flyers for causes had sponsors mentioned at the bottom, and she always sees Recology of the Coast and she felt that, while they may have increase in rates, they pass it back to many different causes, such as the Fog Fest, etc. She felt they helped non-profits make money from their fundraisers.

Ian Butler, Pacifica, thanked the Mayor for the Best of the Road, mentioning that this made up for the Council turning down the Chamber's plan for promoting Pacifica and this made up for that with a budget of 0 dollars which was exactly what we have to spend. He mentioned that they changed the rules and added another week, so we have to get back to work. He then mentioned the Styrofoam ordinance in place for over a year, and they had talked about a plastic bag ordinance as well. He thought it was not a good time to do that now. He felt the best thing to do was to educate the public on plastic bags, and he was sponsoring a screening of a movie about plastic bags called "Bag-it." He didn't think it was preachy. The movie was being sponsored by Pacifica's environmental family and was being shown on June 3 at a cost of \$10, along with the Humpbacks performing. He stated that it would be a multimedia event.

Cinderella Hultgren, Pacifica, stated that she had lost her voice singing and apologized. She thanked everyone for being here, then mentioned that she had been in Pacifica since 1981, mentioning that she was mentally ill and was trying to make a difference in her community, giving some details of her past, thanking former Police Chief Saunders for the help she had received, and concluded by offering to perform any kind of service for Pacifica.

Laurie Goldberg, Vallemar, stated that she went to Dog Days, and she hoped that there would be a dog park soon. She was in Linda Mar and spoke to a photographer who said he owned the parking spaces, however, she was confused about this and hoped that there could be clarification on that. She also would like an update on the dog park. She hoped that the city would eventually have more off leash dog areas. She asked why there were no signs on the beach for people who litter and there were no tickets being given, mentioning that at Pedro Point the kids go there to drink and she thought these were nitrous oxide bottles. She felt there were priorities in Pacifica that needed to be looked at besides dogs and off leash.

Mayor Nihart suggested that she show the bottles to our new Police Chief Tasa and he would let her know what that is.

Ms. Goldberg stated that a kid in the Pedro Point lot where there were a lot of these bottles told her that they were nitrous oxide bottles and the kids did nitrous oxide.

Ron Maykel, Rockaway Beach, commented that there was a berm between the wastewater treatment plant and the highway where they put the recycled water ramp. He mentioned that there was a trail where they could access Mori Point, and there was a lot of debris and trash there. He mentioned it to someone at the water recycling plant who didn't seem to be interested. He mentioned that Councilmember Vreeland brought up where they put the water line between Reina del Mar and Moose Lodge where the pedestrian trail was. He questioned whether it was safe.

Mayor Nihart asked the City Manager if he would check on that.

City Manager Rhodes stated that they were not done yet with a lot of cleanup work to do. Staff was on top of that and, when they were finished putting the line in, they would do cleanup all the way along.

Councilmember Vreeland added that they needed to stay on top of that as far as how City facilities were left once they were finished with a project.

City Manager Rhodes agreed that there were a lot of problems they needed to correct, but they wanted to get the line in the ground and then they would go back and correct things.

Tod Schlesinger, Linda Mar, stated that he was going to make an anecdotal statement, referring to former Governor Schwarzenegger and his unfortunate public embarrassment and thought sometimes people in public office lost sight of their priorities. He quoted Plato, and stated that his point was that people in public office who suffer from one of three problems, monetary, medical or marital, became so distracted that they cannot do their job, but they shouldn't be embarrassed to step down because of having other priorities. He mentioned that, when he was first asked to run for Council, he said no because his children were younger. He again stated that everyone, including councilmembers, needed to look at what was important to them.

Fred Howard, Pacifica, stated that one comment he enjoyed hearing was that the Councilmembers didn't represent the people. He then mentioned, that from over 11,000 people, only 300 plus said not to raise rates and they listened to over 10,700 people who didn't mind having the rates raised. He referred to how the city built Frontierland Park, which was by charging 50 cents a garbage can and raised enough money to build the park. He commented that the Council continues to hear negative things from the same people, mentioning that he also heard that when he was on the Council. He mentioned that he would probably see them for the League of California Cities because it would be at Mosconi West.

Anita Rees, Pacifica Resource Center, presented the latest programs available through their center, such as the food stamp program and shelter. She had flyers to be given to anyone interested in those programs.

Therese Dyer, Pacifica, stated that she had read in the *Pacifica Tribune* that they were looking for suggestions as to what the residents would like to read in the paper, and she wondered if the Mayor would like to do a Council report in the paper stating what each Councilmember has done for the previous two weeks, to see if they are deserving of their salary and benefits. She then referred to the article in the paper about the number of homeless in Pacifica this year having gone to 95 from 16 in 2009, and then commented that Pacifica was giving the same amount of \$83,000 this year as in past years. She asked if any of the homeless were transients who were coming from

other cities, asking if we had any control over that. She also asked that there be more transparency regarding the salary of the staff working there. She thought it was lower than the County which pays their employees pretty good, but she would like the dollar signs.

Mayor Nihart mentioned that people can always ask for the books on non-profits.

Chris Porter, Pacifica, stated that she was president of the Chamber and the following day was Courtney Conlan's one year anniversary as director of the Chamber. She felt she was deserving of congratulations on how the Chamber was going and progressing. She stated that in the last year they had 100 new members and a lot of it had to do with Courtney's efforts.

Mayor Nihart closed Oral Communications.

Mayor Nihart called for a five-minute break then reconvened.

CONSIDERATION

9. Golden Gate National Recreation Area (GGNRA) Liaison Committee Recommending Comments Relating to the GGNRA Draft Dog Management Plan Environmental Impact Statement.

Associate Planner Diaz presented the staff report. He introduced Paul Jones, co-chair of the GGNRA Liaison Committee, who was present to give a brief summary regarding the committee's comments on the draft environmental impact statement.

Mr. Jones, co-chair of the GGNRA Liaison Committee, gave a report, mentioning the proposed changes in all the various areas in Pacifica.

Mayor Nihart thought the transition zones were the most difficult, such as Mori Point, because it was considered part of the trail.

Mr. Jones agreed, mentioning that they were coming along coastal trail in the berm and then you are going on to Mori Point, adding that it would not be a pretty transition either.

Mayor Nihart opened public comments.

Ron Maykel, Rockaway Beach, referred to the draft report, stating that he had gone to a few meetings, recently having brought up the Tamictag trail. He wasn't happy using it for a dog walk because it was a narrow trail and when people in opposite directions meet, someone has to step aside. He asked that the Council not accept the recommendation by the GGNRA to use the Tamictag Trail for use by dogs off leash.

Laurie Goldberg, Pacifica, commented on all the off leash dog areas in Montara, Princeton, etc., and asked why there are no places in Pacifica that are off leash. She made various suggestions for off leash areas, such as specific portions of the beach and Frontierland Park, etc. She stated that it would be nice to have a dog park, but we needed more than that for dogs. She mentioned talking to a woman who commented on the off leash area in Tahoe, adding that it would be nice to have that in Pacifica to bring people in. She stated that she was disappointed with the GGNRA because she heard the land they had was given to them for recreational use and they were trying

to take that away from people with dogs. She felt that, with so many dogs in Pacifica, we needed to have something done.

Mayor Nihart closed public comments.

Councilmember Digre referred to Mr. Maykel's comments on the Tamictag Trail, and suggested that they encourage more protection in that area.

Mayor Nihart asked that they hear from the committee on that because there has to have been a reason.

Mr. Jones clarified what constituted the Tamictag Trail, and then stated that the committee thought it would be good to travel from the Mori Point road, up the coastal trail and on the Tamictag Trail and back to the parking lot at the Moose Lodge.

Mayor Nihart asked if he could describe which was the Pollywog Trail.

Mr. Jones stated that it ran just west of the fences along the houses at the end of Fairway. He commented that it was worth noting that, in addition to the wildlife species mentioned by Mr. Maykel, there was a migratory corridor on the Tamictag which was presumed to exist. He thought that would be another reason to not allow dog access but he countered with the fact that you can't go around the constructed wetlands. He questioned who was more likely to hurt a snake or frog, a bicyclist going 15-20 mph or someone walking with a dog on a six-foot leash.

Councilmember Digre asked if the bicyclist was on the Tamictag Trail.

Mr. Jones stated that you could ride on the Tamictag Trail on a bicycle, as well as on the Lashumsha Trail. He stated that they were limiting dog access but allowing people to continue to use the site on bicycles. He stated that, as a biologist, he would ban bikes first.

Councilmember Vreeland thanked Mr. Jones for all the hard work they put into their report. He referred to the fact that the Council had two bites to the apple, one now and one when they go through the formal rule making process. He felt it was important that we stay on top of the process to ensure that our local interests were taken care of, although he acknowledged that it was good for people concerned about coastal access. He felt that the fact that there weren't a lot of people present showed that they were trying to develop a balance of users. He was supportive of making sure they send the Committee's recommendation to the National Park Service to ensure that our voice continue to be heard.

Mayor pro Tem DeJarnatt appreciated the work by the committee. He had reservations with allowing on leash dogs on Sweeney Ridge, Cattle Hill or the headlands parcel because he didn't want to see off leash dogs terrorizing the wildlife, and he had seen it a few times on the headlands parcel and the Mori Point Trail. He clarified that he didn't have a problem with on leash dogs, but not everyone obeyed that, such as the berm which was clearly marked as on leash only but most people run their dogs off leash. He thought it worked out well, and he didn't have a problem with that as long as the berm was kept clean and the dogs don't bother the birds that rest on the beach. He liked taking a tiered approach. He thought being Draconian was inappropriate and people would get angry which didn't help anyone. He was willing to go along with the recommendations that the committee was proposing, although there was one thing he didn't like, specifically that we were willing to provide staff resources to assist the GGNRA in identifying an off leash location in and around Pacifica, and how it could be managed with other off leash areas.

He agreed with most of what the GGNRA report says regarding Pacifica. He was willing to go with the committee's recommendations because he thought it was worth a shot, but he wasn't comfortable assigning more work to staff. He reiterated that he was willing to go along with everything else because it was worth a shot, although he had grave reservations.

Mr. Jones asked about two points made that he felt were worth addressing briefly. He referred to proposed plans to make sure that it didn't lapse into mayhem.

Mayor pro Tem DeJarnatt recognized that, which was why he was willing to go along with it.

Mr. Jones stated that there would be studies, get a third party plan written up, and they work with us. If Pacifica was in violation of the rules, they would work with us. He stated that, if it persists, you would get knocked down to the most restrictive management alternative.

Mayor pro Tem DeJarnatt again acknowledged that, and that was why he was willing to go along with the committee's suggestion. He thought something has to change in how this issue was handled and addressed because what we were doing now didn't work very well. He was willing to give it a shot and see if it works, but he has seen wildlife harassed a lot. He didn't like seeing that.

Mr. Jones felt the same, then added that they were trying to convey to them that we would be willing to help, mostly offering the citizens on the liaison committee which was no cost to the city to help. He stated that there were knowledgeable city staff who could give some advice as to the suitability of the plans.

Mayor pro Tem DeJarnatt stated that, if that was what he was talking about, he didn't mind because he wasn't talking about a lot of time.

Councilmember Stone also echoed his thanks to the committee for the huge document. He then referred to their recommendation, and he was fine with all the recommendations. He was happy that he brought up the fact that there was another chance to comment on this. He also thought an off leash site in Pacifica should happen because there would be a lot of use for it.

Mayor Nihart acknowledged that sometimes you have to let go of personal feelings because as a Councilmember you represent an entire city. She stated that many people know she has traveled all those hills with dogs because she has always had large dogs. Her feeling about the restrictions was that people are bad about leash laws. She compared this to cigarette butts left by the seawall that are picked up by birds and carried out into the ocean, but she didn't know if they should ban anyone walking along the seawall with a cigarette. She stated that people know they are supposed to put it out in a receptacle and the same thing applies to picking up your dog poo, and we come back with stricter and stricter rules and those restrict well behaved dogs because of those who don't take care of their animals. She was impressed with the efforts from the committee to wade through everything so extensively. She was concerned about walking down the seawall and then they land up in Mori Point. She stated that, when this gets implemented, it will be a huge shock and she was glad they put in the signage issue. She liked the recommendations. She knew they needed an off leash area, and they were restricting animals that had every reason to be able to run, catch a ball, etc. She suggested that they direct staff that this go forward as is, especially since she realizes that they weren't committing staff to more work than they have time for.

Planning Director White stated that typically they would draft a letter that was signed by the Mayor, the City Manager or Planning Director. He felt a letter signed by the elected representative carried the most weight and they would be happy to draft a letter covering these comments for her signature.

Mayor Nihart asked if it could come from them.

Planning Director White stated that they were getting direction from the Council but it could come from the committee or from him.

Councilmember Vreeland stated that he was going to make a motion that this be turned into a letter for the Mayor's signature. He felt it does need to come from the Council, and from the City. There were comments based on recommendations from the liaison committee. He gathered from Mr. Jones that this was a number of years in the process as far as the rule making and changes. He felt the transition points were important and maybe it was something the committee could work on outside the other process, and that may be something the committee could look into.

City Manager Rhodes thought it would be good to have the motion because it would show that this was an official act of the City Council.

Councilmember Vreeland moved that the recommendations from the GGNRA Advisory Committee discussing the draft environmental statement for dog management in the GGNRA lands within the City of Pacifica be turned into a letter for the Mayor's signature expressing the support of the Council for ensuring that we have a voice in this process; seconded by Mayor pro Tem DeJarnatt.

ROLL CALL VOTE:

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

Noes: Councilmembers: None.

Motion passed: 5-0.

Mr. Jones appreciated their kind words and thanked Council for voting to pass the comments on. He stated that the liaison committee will be pleased, because they worked hard to find a consensus. He thanked the Planning Director and Associate Planner Diaz who had been their staff support person since Michael Crabtree left and they appreciated it.

Mayor Nihart adjourned the meeting at 9:35 p.m., in the memory of all the lives lost in Joplin, Missouri, adding that she was from the Midwest.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 6/13/11; 4-0; Councilmember Vreeland absent


Mary Ann Nihart, Mayor