



**CITY OF PACIFICA
CITY COUNCIL MINUTES**

**Council Chambers
2212 Beach Blvd
Pacifica, CA 94044**

Mayor Len Stone
Mayor pro Tem Mary Ann Nihart
Councilmember Sue Digre
Councilmember Karen Ervin
Councilmember Mike O'Neill

January 28, 2013 (MONDAY)

www.cityofpacifica.org

called the meeting to order on January 28, 2013 at 10:00 PM

5:30 PM CLOSED SESSION

Mayor Stone called the meeting to order at 5:30 p.m., stating that all councilmembers were present and announced that the Council would meet in Closed Session. City Attorney Kenyon announced the business to be discussed.

1. PURSUANT TO GOVERNMENT CODE SECTION 54957.6 Conference with labor negotiator. Agency negotiator: Ann Ritzma. Employee organizations: pacifica Fire Fighters Local 2400; Teamsters Local 856 Battalion Chiefs; Department Directors Local 350.

2. PURSUANT TO GOVERNMENT CODE SECTION 54956.8 Conference with real property negotiator. Discussion concerns price and terms of payment. Agency negotiator attending session: Steve Rhodes. Property: APN 018-150-160 - 700 Coast Highway; APN 016-060-100 - vacant lot at Francisco Blvd. and Salada.

3. PURSUANT TO GOVERNMENT CODE SECTION 54954(b) Conference with Real Property Negotiator. Discussion will concern price and terms of payment. Property: APN 023-132-160 - 1050 Crespi Dr. Agency representatives attending session: Steve Rhodes. Negotiating parties: City of Pacifica and Spindrift School of Performing Arts.

7:00 PM OPEN SESSION

Mayor Stone reconvened the meeting at 7:00 p.m.

Call to Order

Attendee Name	Title	Status	Arrived
Len Stone	Mayor	Present	
Mary Ann Nihart	Mayor pro Tem	Present	
Sue Digre	Councilmember	Present	
Karen Ervin	Councilmember	Present	
Mike O'Neill	Councilmember	Present	

Minutes Acceptance: Minutes of Jan 28, 2013 10:00 PM (Consent Calendar)

Staff Present: Steve Rhodes, City Manager; Michelle Kenyon, City Attorney; Ann Ritzma, Admin. Ser. Director; George White, Planning Director; Jim Tasa, Police Chief; Van Ocampo, Dir. of Public Works; Mike Perez, PB&R Director; Aren Clark, Parks Supvr.; Josh Cosgrove, WWTP Supervisor; Kathy O'Connell, City Clerk.

Salute to the Flag led by Councilmember Ervin

Closed Session Report

City Attorney Kenyon stated that there was no reportable action.

CONSENT CALENDAR

Mayor Stone reminded everyone that all speakers would get only three minutes, regardless of the issue.

Mayor pro Tem Nihart asked if she could ask a question on one item without pulling it from the consent calendar.

City Attorney Kenyon confirmed that she could ask a question without pulling it.

Mayor pro Tem Nihart referred to Item #4, which was the Rena Housing numbers which were bigger although less than other cities, and asked what happens if we do not meet those numbers.

Planning Dir. White stated that, generally, there was cumulative sense to the numbers. He stated that the increase was 138 and the majority of 275 were for the last cycle, adding that they continue to role, unfortunately.

Mayor pro Tem Nihart stated that was what she wanted in the record. She also congratulated the Chief of Police for a wonderful grant application and money.

Councilmember O'Neill moved to approve the consent calendar; seconded by Mayor pro Tem Nihart.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mike O'Neill, Councilmember
SECONDER:	Mary Ann Nihart, Mayor pro Tem
AYES:	Stone, Nihart, Digre, Ervin, O'Neill

- 1. Approval of Disbursements.
PROPOSED ACTION: Approve

Minutes Approval

- 1. City Council - Regular Meeting - Jan 14, 2013 10:00 PM
- 3. Award of Contract to ThyssenKrupp Elevator in the Amount of \$39,610 to Repair and Upgrade the Calera Creek Water Recycling Plant Elevator [Sewer Facility Operation and Maintenance Fund 18, Accnt# 18.940741.52400.0000.000 – Maintenance (Office Equipment)]

Minutes Acceptance: Minutes of Jan 28, 2013 10:00 PM (Consent Calendar)

PROPOSED ACTION: Authorize the City Manager to enter into the attached agreement with ThyssenKrupp Elevator to repair and upgrade the Calera Creek Water Recycling Plant elevator [Sewer Facility Operation and Maintenance Fund 18, Account # 18.940741.52400.0000.000 - Maintenance (Office Equipment)]

4. Adoption of a Resolution Acknowledging Participation in the San Mateo County Sub-Region and Acceptance of the Proposed Final Housing Allocation>
PROPOSED ACTION: Move that the City Council **ADOPT** the attached resolution entitled " A RESOLUTION BY THE CITY OF PACIFICA RECOGNIZING THE PARTICIPATION OF THE CITY OF PACIFICA IN THE SAN MATEO COUNTY SUBREGION FOR THE REGIONAL HOUSING NEEDS ALLOCATION PROCESS AND ACCEPTANCE OF THE ALLOCATION ASSIGNED BY THE SUBREGION FOR THE CITY OF PACIFICA.
5. Office of Traffic Safety Award
PROPOSED ACTION: To approve the purchase of a Speed Trailer Message sign.
6. Approval of Agreement Between the City of Pacifica and Pacifica Lenders, LLC in Connection with the Deposit of Funds to Secure Obligation of the Owner of the Pacifica Quarry to Deliver a Financial Assurance Mechanism (FAM) as Required by Surface Mining and Reclamation Act of 1975 (SMARA) and Authorize the City Manager to Execute the Agreement.
PROPOSED ACTION: Approve Agreement between the City of Pacifica and Pacifica Lenders, LLC in connection with the Deposit of Funds to secure obligation of the Owner of the Pacifica Quarry to deliver a Financial Assurance Mechanism as required by Surface Mining And Reclamation Act of 1975 (SMARA) and authorize the City Manager to execute the Agreement.
7. A Resolution of the City Council of the City of Pacifica Assuming Land Use and Related Functions of the Former Redevelopment Agency of the City of Pacifica.
PROPOSED ACTION: Move that the City Council approve the resolution next in order "A Resolution of the City Council of the City of Pacifica Assuming Land Use and Related Functions of the Former Redevelopment Agency of the City of Pacifica"

SPECIAL PRESENTATIONS

PUBLIC HEARINGS

COUNCIL COMMUNICATIONS

Councilmember O'Neill asked if there was a report from closed session.

City Attorney Kenyon stated that she had reported.

Councilmember Digre stated that Kimco and Economic Development Committee met with the City Manager, First National Bank and members from Small Business Association. Kimco offered rent free for the first year to encourage people to open small businesses. She stated

that they gave a good presentation with flyers. She stated that, for anyone interested in opening a new business, it was worth looking at the assistance available which included Score, an organization that helps create a business plan. She stated that she visited Plug-In in Santa Clara which was a for-profit incubator. She stated that they enjoyed the tour, learning how to set up a non-profit to help businesses get started. She attended the Traffic Alliance meeting which was to encourage getting people out of single rider cars, with speakers from Genentech and Stanford. She stated that the Open Space Committee needed vacancies filled. She mentioned that Ferd Simon passed a week ago. He has been instrumental in propagating open space and people at his funeral expressed gratitude for all Open Space has done. She encouraged Council to think about that. She stated that public meetings should be advertised more, and she supported the suggestions of public TV and better parking.

Councilmember O'Neill stated that they got an invitation for a resident who was turning 100, and he asked if the Council did a resolution for someone turning 100.

Mayor Stone mentioned that he has spoken with the City Clerk and they were preparing something.

Councilmember O'Neill thought that would be nice. He stated that he attended the League of Cities and was with the rest of the Council at the conference in Sacramento regarding budgeting, rules, regulations, etc. He stated that everyone was also at the Council of Cities dinner on Friday. He was also at Dreamworks and had his picture taken with the Panda who was bigger than he was.

Mayor pro Tem Nihart thanked Council for a very productive goal setting meeting. She felt those were useful, and putting in a Saturday every so often was not a bad idea. She mentioned that Financing City Services was meeting on January 30. She also mentioned that they would be going to the Chamber Awards. She stated that she saw Councilmember Digre in Washington, D.C., for the inauguration. She encouraged people to go, commenting that their infrastructure was no better than Pacifica, then stating that she fell and broke her wrist.

Councilmember Ervin stated that she attended the League of California Cities conference in Sacramento. She stated that it was a great experience and she heard a lot of important things in terms of running the city, mentioning some of the specific subjects. She also attended a work study on user fees which was helpful. She also participated in the homeless count with the Pacifica Resource Center, and commented that she thought the number of homeless in Pacifica was rising. She also attended a Pacifica School Volunteers meeting, mentioning their many events such as a workshop on parents helping children with homework. She went to the entrepreneur mixer held by the Economic Development Committee as well as the goal setting session

Mayor Stone mentioned the League of Cities meeting where they voted on the Metropolitan Transportation Commission representative. He stated that there was only one City Councilmember from all the 20 cities on the board and it was a coveted seat. He stated that Alicia Geary, Mayor of Redwood City, was elected. He stated that this was where all the transportation dollars came from and was a very important committee to be plugged into. He reported that the Bike Pedestrian Advisory Committee was in the middle of scoring 8 or 9 applications from the Bay Area. He mentioned that a lot of funding depended on being in a priority development area or in vicinity of that area, and he stated that it was important to tailor their projects to qualify for this type of money. He stated that he was an advocate for walkable streets and biking safety on streets, and this last project had \$6 million available yet only \$4.2

million of projects were submitted. He felt that confirmed that there was money out there and we need to be ready with our capital improvement projects for these types of projects in the future. He stated that the Economic Development Plan was continuing to take shape, adding that the consultant hired was conducting stakeholder interviews as they develop an overall comprehensive economic plan for Pacifica, hopefully to be completed by mid year. He stated that the Library Foundation subcommittee has contacted him and they want to get together for their first meeting.

ORAL COMMUNICATIONS

Noel Blincoe, Pacifica, stated that he was talking on filling vacancies on committees, especially Open Space. He stated that they badly need to fill vacancies otherwise they cannot operate. He mentioned that, with the new Councilmembers, there was a fresh input and that can be really good. He stated that they need people to be selected who are dedicated and will attend the meetings and get involved in activities. He mentioned that Open Space has been active and successful and is a major force in preserving the beauty of Pacifica. He mentioned Open Space having worked with regard to the snowy plover, adding that there was a lot of misunderstanding, etc., but they have elevated the public consciousness on the snowy plover. He mentioned the process they followed in that effort and underlined the fact that they would like to be reactivated.

Ron Maykel, Pacifica, stated that he had served on the Open Space for many years, then was on the GGNRA liaison committee for several years, and mentioned that there were elements of redundancy and they might want to explore the idea of combining them and creating a Pacifica Natural Areas committee. He stated that those who are on the two committees now could work synergistically to form a new committee. He mentioned that Pacifica was defined by its beaches, hills, riparian corridors, serving multiple functions. He also felt they needed a Councilmember who was interested in participating in the committee to give direction.

Hal Bohner, Pacifica, stated that he was present to support Noel Blincoe and Ron Maykel, adding that he has been on the GGNRA which he felt was very important. He also thought the Open Space committee was also important. He asked that the Council not terminate those committees by inaction or direct action because he felt they were important but he couldn't explain in the time allotted. He did feel it would be disrespectful to dissolve those committees because of all the people who have spent many hours on the committees, as well as to the City Councilmembers who supported the committees and the citizens who rely on open space. He invited them to go up on Milagra Ridge or Mori Point to see the beautiful hillsides of Pacifica which were an incredible asset to the town. He felt the GGNRA and Open Space were critical to keeping open space preserved. He then read a quote from John Muir.

Anita Rees, Pacifica Resource Center, thanked the 16 street enumerators who helped them go out and do their one day homeless count. They found 74 instances of homelessness, mentioning the specific situations, and she stated that it was up 30% from the last homeless count in 2011. She stated that the final count would be released in May and she thought it would be close to 120 up from 95. She explained that they worked with the homeless to get them off the streets and ultimately into permanent housing. She mentioned that they have trained tax preparers available on Wednesdays and the second Saturday of every month until April 17. She mentioned that they had a great event, Art on the Coast, which benefited the Resource Center and Coastside Hopes in El Granada.

Dyer Crouch, Pacifica, thanked the Council for continuing the pledge of allegiance, adding that

he hoped they continue that even if it is not a requirement. He then referred to Open Space and GGNRA, and stated that, at the general plan meetings he attended, Open Space was always up there and he encouraged the Council to look at some of the previous general plans where Open Space was up there with what people liked about Pacifica and it had the support of residents as well as those petitioning them at this meeting.

Mary Keitelman, Pacifica, thanked staff for the meeting packets which were now on line, fully indexed and fully searchable. She thought it was wonderful and helped the public a lot.

JoAnne Arnos, Pacifica, stated that she was presently a member of the Open Space committee and she agreed with what has been said by all the previous speakers. She thought that, in these days of footprints, environmental issues, endangered species, etc., it would be backward thinking to consider getting rid of the Open Space committee. She hoped the City was progressive enough to keep this committee, adding that she couldn't tell them all the work they have done to help the City in three minutes. She mentioned that Councilmember Digre has done a fabulous job, speaking for and with them. She hoped the Council would be open to having them give input if the Council was interested in changing design, focus, etc. She felt, if the Council agrees to keep the committee, they need to have new members because volume was important when people go on vacation, etc.

Roger Medler, Pacifica, stated that he attended their meeting on Saturday and was very impressed with Mr. O'Neill and the consultant who he felt was very positive. He hoped they have him back again and continue with the Council. He wondered if writing letters wasn't as important, since a lot of people don't like getting up and talk. He hoped they could work something out and hoped more of the public attends the meetings.

Lynn Adams, Pacifica, welcomed the new Councilmembers. She stated that the National Day of Service on January 19 was an amazing success. They had 200 people who cleaned the beach first and then did planting. She stated that it was an amazing day. She mentioned that most of the people came from across the Bay Area, as far south as Morgan Hill, as well as a couple of visitors from Colorado and Pittsburgh. She congratulated Mary Patrelli who has led this for 16 years, and thanked Clark Natwick who started it all 16 years ago. She stated that, because of them, they have snowy plovers on the beach and dune plants. She appreciated those who came to be a part of what we have. She stated that they removed 225 pounds of garbage and recycles, and those coming later couldn't find any garbage because they had done such a good job. She stated that they removed about 900 square feet of iceplant which was between 1 and 2 tons and they planted about 1,000 plants.

Marty Anaya, Pacifica, stated that he was with Pacifica Community Television. He wished them a happy new year. He stated that they didn't take the opportunity very often to report on what PCT does. He suggested that they agendize an actual report and he can talk about the accomplishments and what they were doing. He referred to what the Economic Development Committee was doing in trying to make Pacifica recognized regionally and nationally as a place to come and enjoy, and stated that they were excited about the new technologies and ways in which PCT was employing those as they work with local businesses, etc., to spread that word and do it in a way that is visual, visceral and makes sense to those who may not have anything in their minds about Pacifica. He was looking forward to discussing this and showing that, with resource and ingenuity, we can do more to sell our community.

Therese Dyer, 1408 Crespi Drive, stated that she was happy to see the Councilmembers at the workshop and the small business meeting. She thought that was very encouraging. She

commended Councilmember O'Neill on his comments on involving the public. She felt they had a lot of intelligent people who had a lot of good advice if they were wise enough to take it. She stated that she wrote a letter to the editor regarding the dead deer, and called the Humane Society. She found out that they picked up 186 animals in 2012, and it was the county that designates how much the cities are to pay which includes animal control. She mentioned general city versus charter city, stating that she and Mr. Rhodes had discussed numerous things. She stated that he was familiar with a charter city which he helped implement in Oregon and she suggested they ask him for his advice.

CONSIDERATION

8. Authorization for Pacific Gas & Electric Company (PG&E) to Remove Palm Tree at the Corner of Ramona and Reina Del Mar Avenues
PROPOSED ACTION: Authorize PG&E to Remove Palm Tree at the Corner of Ramona and Reina Del Mar Avenues.

Mayor Stone stated that, on reading the staff report, this dates back quite a few years with appeals to City Council, etc., and he asked if there had been any formal noticing of the neighborhood and there hasn't. He asked Council that they continue this and have the City send out a notice to people within a 300-foot radius. He felt that, if it was his neighborhood and this work was being done without a formal notice, there might be some hard feelings about that.

Councilmember Digre thought they were informed.

City Manager Rhodes stated that there was a notice placed on the tree and the members of the committee working on the issue were sent an email and asked to pass that along to people who were interested, but no general notice.

Mayor pro Tem Nihart asked if that notice went out on the Vallemar email list.

City Manager Rhodes stated that it did not.

Councilmember Digre asked if the committee that worked on it were Vallemar residents.

City Manager Rhodes responded affirmatively.

Councilmember Digre asked if they knew for sure that it did go out on that email.

City Manager Rhodes responded affirmatively.

Mayor Stone understood that it was sent out to the committee members but what they did with it the City was not sure.

City Manager Rhodes responded that he was correct.

Councilmember Ervin knew that this has been going on since 2007 with the 4 or 5 trees and she wondered how close to a potential serious hazard was it, asking whether they have several weeks putting it off in order to get notification to the neighbors.

Public Works Dir. Ocampo stated that there was a representative of PG&E present who could

answer it.

Pub. Works Dir. Ocampo stated that they had Mr. Joel Smith who was a forester for PG&E, as well as Mr. Scott Hart who was the governmental relations officer for PG&E.

Scott Hart stated that he was the new reassigned governmental relations representative to Pacifica. He stated that he would let Joel speak specifically to the question.

Joel Smith, PG&E, stated that he represented PG&E's vegetation program in San Mateo County. He stated that it was true that the ongoing discussions about the palms has had a lot of interest over the years, which he understood. They want to accommodate that and make sure people have the time to look into the situation and investigate all the options possible. He stated that they still intend to do that, as well as their more frequent and normal trimming in the entire Vallemar neighborhood. He thought it was probably like a dozen trees involved, but they were willing to manage that, but the tree at the corner of Reina del Mar and Ramona was an extra problem. He stated that it wasn't something they have to do tomorrow. They have a bit of time, but that was urgent because it was not only encroaching on the high voltage lines but also putting a lot of pressure and creating a lot of tension to the lines.

Mayor Stone asked if the next Council meeting in two weeks would fit in the time frame before it became a public hazard or do they have to act before that for public safety.

Mr. Smith explained that it was not compliant with the applicable resource codes. He stated that they see obvious strain on the secondary conductors, but he thought they have some time. He was willing to have a crew go to make sure they have the time and they may also be able to take some small interim measure, such as trimming the tree as was done in the past. He concluded that he did not see tree trimming as a long term viable option.

Mayor pro Tem Nihart stated that she looked at it today. She acknowledged that the signs were bright and yellow, but she had her entire street move and didn't get a notice, so she was inclined to make a motion to that effect to be sure they have gotten to everyone. She would appreciate it if he didn't mind coming back.

Mr. Smith understood and he didn't want to surprise anyone.

Mayor pro Tem Nihart acknowledged that it has gone on for quite some time, but she would like to make a motion that they at least get it out on the Vallemar email list, but questioned whether they had access to that list.

City Manager Rhodes stated that he was not familiar with the list and he would be more comfortable if they talk about notifying the residents within certain radius.

Mayor Stone was proposing 300 feet.

City Manager Rhodes stated that was easy to do.

City Attorney Kenyon clarified that the motion would be to continue it to the next regularly scheduled Council meeting.

Mayor pro Tem Nihart asked if they needed a motion to notice also.

City Attorney Kenyon stated that the primary motion is to continue the item to a date certain, and if they want, they can add on to that or direct staff to do that.

Mayor pro Tem Nihart moved to continue the item to the next meeting, pending further notification to the community; seconded by Councilmember O'Neill.

Councilmember Digre appreciated the fact that they were willing to take it out and offer replacement. She thought the message going out should contain that. She asked if they had any ideas about the change of tree.

Mr. Smith stated that they would want the replacement tree to be powerline compatible and he would work with the Public Works contact to make sure it was okay with the city as well. He stated that they do have an approved list of species that work with the powerlines and some of them are palm or palm like species.

Councilmember Digre thought that would help the community to know their willingness and she thanked them for that.

Mayor Stone stated that he had a card for comment and he asked if they could hear from that person.

City Attorney Kenyon stated that it was continued so she would ask them to come back.

Mayor Stone acknowledged that he messed up on that and apologized to the speaker, asking him to send an email.

City Manager Rhodes asked, for clarification, whether the notice would be to those within 300 feet.

Mayor Stone responded affirmatively.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Ann Nihart, Mayor pro Tem
SECONDER:	Mike O'Neill, Councilmember
AYES:	Stone, Nihart, Digre, Ervin, O'Neill

- 9. Recommendations for Western Snowy Plover Protection at Pacifica State Beach
PROPOSED ACTION: Confirm the rules/recommendations submitted to the USFW on May 31, 2012 for the Western Snowy Plover Protection Plan at Pacifica State Beach with the addition of symbolic fencing as recommended by the USFW and direct staff to move forward with funding research and implementation.

PB&R Dir. Perez presented the staff report.

Mayor pro Tem Nihart stated that they had pictures previously of what symbolic fencing entailed, and asked if he would describe it now.

PB&R Dir. Perez stated that it was a thin metal post driven into the ground with an eye-hole with a cable through it. He has also seen it done with rope. It was about 3-feet high.

Mayor pro Tem Nihart asked what keeps it from moving with the sand.

PB&R Dir. Perez stated that it was much taller than what sticks out.

Mayor pro Tem Nihart assumed it was very deep. She referred to the Beach Coalition pulling ivy, and asked if we do anything to coordinate that with the roosting.

PB&R Dir. Perez asked if it was to coordinate the beach pulling.

Mayor pro Tem Nihart responded affirmatively.

PB&R Dir. Perez thought those volunteers were aware of the plovers, but he thought that effort runs through the Public Works Department, adding that those volunteers were the biggest advocates.

Councilmember O'Neill stated that they were waiting for a federal grant to fund this, and he asked if the grant would come through if this was approved.

PB&R Dir. Perez thought the indication was that it would not be available until their next fiscal year. Like a lot of agencies, they were more hopeful in the summer but now, maybe next year, although they were enthused about the project but not sure about the funding.

Councilmember O'Neill asked where they would get funding if the grant does not happen.

PB&R Dir. Perez stated that they did not have funding for it in the budget, and if they did not approve it, he would look for funding elsewhere.

Councilmember O'Neill thought there was enforcement in a lot of the documents through the rangers funded by parking fees.

PB&R Dir. Perez clarified that it would be two additional rangers over the one they already have for a total of three.

Councilmember O'Neill asked clarification as to whether approving this committed the city to the additional rangers. He spoke to the City Manager about his concerns since they have estimates on the income for parking at the beach, adding that now they were subsidizing the beach at \$100,000 a year. If the funding doesn't go through, he thought we were committing ourselves to another \$170,000 a year with the additional rangers.

City Manager Rhodes stated that they were already committed to the rangers because they were part of the parking application.

Councilmember O'Neill asked clarification that they were going to be paid whether or not the parking covers the cost.

City Manager Rhodes stated that they would use them but, if they were not covered by the cost of parking, they would look at abandoning the program, but they were part and parcel of that program.

Councilmember O'Neill asked confirmation that our agreement does allow that, if the parking fees do not cover the cost of the rangers, we can abandon the rangers.

City Manager Rhodes stated that they would then abandon the parking program.

Councilmember O'Neill asked if they would still be paying the two rangers.

City Manager Rhodes reiterated that they would abandon the whole program, including the rangers.

Councilmember O'Neill then asked if they would also be abandoning the snowy plovers.

City Manager Rhodes acknowledged that they were tied to that resource. If we didn't have that resource, they would have to look at another means of accomplishing that if they still did it.

Councilmember O'Neill assumed that, if it does not work out with the revenue from the parking, then they were not taking on the additional commitment without some assurance of funding from the parking and, if that does not happen, then they can abandon the enforcement part with only the maintenance of the fence.

City Manager Rhodes responded affirmatively.

Councilmember Ervin asked if the area of the symbolic fence covered parallel to the beach, south to north and east and west, basically cordoning off an area that is about a quarter of the beach.

PB&R Dir. Perez thought that was correct, although he didn't think of it in terms of a quarter of the beach. He added that a northern part of the beach was not on the map.

Councilmember Ervin referred to the measurements which included the symbolic fencing area and asked if the black border was high tide or low tide.

PB&R Dir. Perez stated that the tide was receding when the picture was taken. He stated that it wasn't an exact science on the amount of beach involved depending on high or low tide.

Councilmember Ervin asked if that was a concern regarding safety issues for kids and other individuals.

PB&R Dir. Perez thought, if there was high tide and less beach, that would be a safety concern.

Councilmember Ervin asked if they were going to ticket people who walk in the symbolic fencing area.

PB&R Dir. Perez stated that, with fencing around it, the idea would be that you are not allowed in there and he would imagine that people would get warnings and then get ticketed.

Councilmember Ervin asked him to describe the fencing along the bike trail, assuming it was a different kind of fencing.

PB&R Dir. Perez agreed, explaining that it had a thicker post with vinyl coated steel cables and was sturdier.

Councilmember Ervin asked if it was impassable.

PB&R Dir. Perez stated that with both, if someone wanted to get over even the 8-foot skate park fence, they will go over the fence. He stated that these were much easier to get over but the idea was that, if someone was inside the fence, in terms of enforcement, you would know they were not supposed to be in there. He stated that there would be signage as well. He stated that fencing was suggested by someone because they thought it would be a lower cost than a more expensive one they picked originally, and would be equally effective.

Councilmember Ervin asked if the signage on the fencing was to educate the public about the snowy plovers.

PB&R Dir. Perez thought the educational signage would be at key access points. He stated that the symbolic fence would not be able to hold a heavy sign and they will be smaller. He added that, on the back side, they have various suggestions using animal pictures. He stated that the coastal programs were supposed to help with that development.

Councilmember Digre commented that the symbolic fencing was easy to move, mentioning that there were times when the plover was more important to be protected, asking if they had high tide issues.

PB&R Dir. Perez stated that he didn't have any experience but knew it can be moved, but he didn't know if it was easy to move. He talked to someone where they did move it on their beach, but it didn't seem like it was something you move all the time.

Councilmember Digre compared it to the ones for bicycles.

PB&R Dir. Perez agreed that, along the pathway, it would be a permanent fence, but the one in the sand would take some effort.

Mayor Stone asked him to take him through what they were doing now for snowy plover protection, such as any fencing.

PB&R Dir. Perez stated that we did not have a program.

Mayor Stone asked if they had any snowy plover sign warnings.

PB&R Dir. Perez stated that we didn't have any city signs.

Mayor Stone acknowledged that part of the plan was to direct people away from the plover area, and he asked if there was anything like that now on the beach.

PB&R Dir. Perez responded that there was not.

Mayor Stone commented that the rangers were not tied to this plan but to the parking. He asked how well were we doing with enforcement of the leash law now. He didn't think it was an active program at the moment.

PB&R Dir. Perez stated that they would have to ask the Chief about that.

Mayor Stone asked if the City Manager knew.

Police Chief Tasa stated that, regarding the leash law, it was a staffing issue. He stated that,

once you get officers on the beach, they were isolated and it causes delayed responses to emergency calls. He stated that they have worked with their police reserve program who go out on the beach on an ATV and do enforcement. He stated that they were probably out there 2-3 times a month. They try to get out there weekly but it was not always possible because they were relying on volunteer schedules. They have issued a number of warning citations and they were working to educate the community regarding the issues.

Mayor Stone asked if, having three rangers on staff to enforce the leash law, there would a lot more potential to enforce that.

Police Chief Tasa thought they would see a significant improvement because there will be someone there on a daily basis and they will have a better feel for what is going on, such as repeat offenders. He stated his approach would be to educate the community first to comply, then they may want to target repeat offenders to cite.

Mayor Stone asked the City Manager if they were required to do any of it, specifically what they were required and not required to do.

City Manager Rhodes stated that the parking program was where they currently have requirements, and most were monitoring the parking activity. They do have a requirement to monitor the informal trails from the bike path onto the beach. He felt that was why putting the fence was optimal for them to substantiate that and meet that condition on the back side of the dunes. He added that they will be required to have the ranger program as they move forward with that. He stated that there were no specific requirements regarding snowy plovers other than to monitor the area for informal trails. He stated that they had negotiations with the Coastal Commission staff regarding that issue and they parenthetically mentioned kinds of activities but did not specifically require any because we said we were coming forward with more material. He stated that the City will have to go back to them with the program for all the signage and fencing. He stated that the agreement was so they wouldn't get the two confused and leave the parking program at a minimal requirement and let all the rest flow when they came back for this program. He added that, at the time they met, they were still in the process with U.S. Fish & Wildlife.

Mayor Stone assumed that, for this piece and all the options, there were no requirements.

City Manager Rhodes responded affirmatively.

Mayor pro Tem Nihart assumed there was a requirement to have something come back or they would have suggested it. She thought that was what she was hearing, adding that this has to go back to the Coastal Commission no matter what they do.

City Manager Rhodes stated that the parking program was separate from this. He stated that, if they decided to do nothing, they would not have to go back to the Coastal Commission. They have to go back to them if they choose to put in fencing, signs, or anything. He stated that, originally, they had an application before the Coastal Commission five years ago to put up signs and begin the educational process. They withdrew that pending resolving all the issues. He reiterated that they would have to go back if they are going to put in fencing or signs.

Mayor pro Tem Nihart stated that she understood that, but she referred to his previous answer where he mentioned that they were concerned about trails springing up and they were thinking about this area when they did the parking plan.

City Manager Rhodes responded that she was accurate.

Mayor pro Tem Nihart stated that he mentioned telling them that we were going to be coming back with a different plan so we didn't get those two confused.

City Manager Rhodes stated that plan was what they were looking at in this meeting. If they decide to do nothing, they have no obligation to go back to them. He stated that they prepared a monitoring program to address the issues they raised regarding the dunes, and that was part of the parking program.

Mayor pro Tem Nihart referred to the fencing itself and the wire 3-feet high, and stated that she was getting a picture of someone on the beach playing frisbee, and questioned what would happen if they ran over the fence.

PB&R Dir. Perez hoped they would not be playing frisbee where the plovers are.

Mayor pro Tem Nihart reiterated the fact that they were outside the symbolic area but paying attention to the frisbee and not where they were going, and she asked what would happen. She asked if they had a discussion about that liability.

PB&R Dir. Perez stated that they didn't have a discussion about the liability, adding that, if someone was playing near it and fell on it, they could. They hope that part of the education would mean they would not do those types of activities near the area. Those are the types of things recommended to do away from where the plovers are, i.e., flying a kite, playing frisbee.

Mayor pro Tem Nihart referred to the fence on the east side, and asked if that was more solid and questioned what it looked like.

PB&R Dir. Perez stated that it was a thicker post and a plastic thing that looks like wood with a thicker cable running through it. He thought the posts were closer to four feet, but hangs, although someone could go over or under it.

Councilmember Digre asked if she had the correct picture.

PB&R Dir. Perez stated that it was the picture she asked for, which was symbolic fencing at Half Moon Bay.

Councilmember Digre stated that they have volunteer groups who have made signs which were put in the creek area and ready to go with the help of Ocean Shore School, Shorebirds Alliance and a boy scout troop.

PB&R Dir. Perez stated that he talked to Ocean Shore, and if we are going to put signs on the beach, they would be part of the plan and they need to submit that to the Coastal Commission as part of their permit for signage. He stated that he has had conversations about youth being involved, with the thought that having kids involved would reduce vandalism, explaining that signs by the creek have mostly lasted a long time.

Councilmember Digre wasn't sure if he was aware of those groups.

Councilmember Ervin assumed, if they were on the northern side of the beach where the

symbolic fencing was, they would not have any events in that area because anything would probably be too close to the symbolic fencing area.

PB&R Dir. Perez stated that, in their recommendations, they identified how to handle events and surf contests. They would be told that they could not go into this area and it was rare for surf contests to go north of Crespi. They didn't say that they could not, but they set up stricter guidelines for how they would set up.

Councilmember Ervin asked verification that the snowy plovers were there July through April.

PB&R Dir. Perez stated that it depends. Some have said they were not coming until August, but July through April was the ten month time frame when they were there.

Mayor Stone opened public comments.

Noel Blincoc, Pacifica, stated that he was chair of the Pacifica Shorebird Alliance. He has an extensive connection with volunteers at the beach and they have presented different programs, and they can easily help the City develop a docent program, and he would like the City to consider them. He mentioned Paul Donahue who has led many bird events, as well as Edwin Geer. He referred to the symbolic fencing, and stated that there was a question of symbolic fencing or having a symbolic boundary, and he felt it needed clarification. He referred to the symbolic fencing and he was getting confused because in a picture it almost looks like a permanent pole. He felt it was important that they could pull them out during a high tide. He stated that the sand changes, and a permanent symbolic boundary could be destroyed and it was important to clarify what they were approving. He felt it was important for the City to work with Half Moon Bay which has an extensive program.

Stan Leavin, Pacifica, thanked the City Council for putting the plover question forward. He felt the sooner they get this before the CCC, the sooner they can have a resolution. He reminded them that the plover population at Linda Mar Beach was dropping radically as they negotiate. He states that sometimes, when he goes on the beach, 90% of the people to whom he speaks, including dog owners, are supportive of what they were trying to do. He then referred to the confusion regarding symbolic fencing. He also questioned what was meant by a delineator fence, stating that most of the time they have been talking about a removable symbolic fence. He thought it would be closer to 4-feet high so small children would not be affected if they ran under it. He stated that the best symbolic fencing he has seen was at the University of California, Santa Barbara, which was set up so there was always room for people to walk by. He stated that this one looks like 1/6 of the beach rather than 1/4 of the beach and would never extend to the far end. He has never seen the birds that far except during a huge storm. He stated that the birds were there for 6-8 months and the fence would be pulled down for 4-6 months every year, mostly during the summer when the beach was fuller. He thanked them again and hoped it goes through as soon as possible.

Margaret Goodale, Pacifica, thanked Council and staff for responding expeditiously to the Coastal Commission #3 on fee parking, stating that the condition requires symbolic fencing to protect the plovers as recommended by all experts. She had questions that have already been raised. She stated that they were being asked to confirm recommendations with the addition of symbolic fencing, and she was wondering what "confirm" means. She asked staff to change #10 which reads "symbolic boundary" to "symbolic fence" as recommended by Fish and Wildlife. She referred to mention of a delineator fence, stating that she wasn't sure what it meant and asking if it meant a permanent fence or not or symbolic fence. She mentioned that the

Shorebird Alliance has committed to raising the funding for a standard temporary symbolic fence as is used up and down the coast. They would work with staff to ensure that it was safe and gives the bird flat sandy beach that they need for daily roosting since they don't roost only on the dunes. They also offered help to ensure correct signage and was engaging to beach visitors, adding that they work with school children and scouts who are ready to go. After over five years, they were glad to see a workable plan, adding that this plan does not ban any beach activity such as dog walking. She encouraged that they ask staff to return with clarifications so they can approve recommendations at their next meeting, and they can then go to the Coastal Commission. They will support the application and were pleased to be close to meaningful protection for the threatened plovers.

Ron Maykel, Pacifica, gave a brief history on the plover protection issue. He was proud of the people who have been doing this. He mentioned that he was out one day and walked the beaches, counting 7 plovers on Linda Mar Beach. He pointed out that they didn't really need much and he would like to be proud that the Council would make their best effort to protect these "flagship" birds.

Greg Cochran, Pacifica, stated that he was the President of the Pedro Point Surf Club and a member of the PB&R Commission. He thanked everyone present for making Linda Mar Beach a better place for all users. He also felt they were there because of the dedicated work of a small group of people, Pacifica Shorebird Alliance. He felt the work they have done has been amazing. He stated that he has interviewed over 200 beach users on this issue, reporting 85% approval for a fence on the western edge of the bike path, 65% for fence directing people at Crespi Drive, 75% for tasteful signs, 45% for symbolic fencing, etc. He pointed out that paid parking would allow them to hire 2 park rangers to enable them to enforce beach rules. He pointed out that this was the busiest beach north of Santa Cruz with world class surf breaks. They needed to work with all stakeholders to keep the beach area open. He felt they needed more visitors to drive the revenue that we need.

Dyer Crouch, Pacifica, stated he was a PSA member and trained by the Half Moon Bay program for plover protection. He thanked several individuals for their hard work on the beaches to protect the environment and staff for working on this. He then referred to the symbolic fence issue, and mentioned what Half Moon Bay has, stating that it was what PSA was supporting for Pacifica. He then mentioned the process needed for getting funding. He stated that, in putting in the protections, it won't be restricting dogs. He asked Council to implement the protection program.

Clark Natwick, Pacifica, thanked staff for the report which contained essential elements to protect the plovers. After the plan being in the works for a long time, they were glad that a workable plan was now ready for adoption. He stated that the plan would not ban any beach activities such as dog walking. He mentioned the official recognition of the snowy plover was 15 years ago, and beach restoration has improved the habitat for the snowy plover with the formation of the Pacifica Shorebird Alliance, who have educated themselves about best practices to protect this threatened bird. He thanked Council and staff in following the lead of former Mayor Edminster years ago with this big step.

Mary Keitelman, Pacifica, thanked staff for all the work they did. She would like a few clarifications, such as the delineator. She attended the Half Moon Bay training and has seen their symbolic fence, pointing out that they take it out for events such as the Mavericks, adding that a permanent fence would not work. She stated that the Pacifica Shorebird Alliance was active in educating the children and other people, and they could get money to pay for the

symbolic fence and other things. They would willingly work with other parties on educational programs. She stated that the U.S. Fish & Wildlife letter of December 5 was left out of the packet. She asked what they mean by “proposed, confirm” on Action 9. She would look forward to helping out in any way possible to get it to the Coastal Commission and help them understand the City’s plan.

Lazar Keitelman, Pacifica, stated that he was a bird photographer and, when he got a message about snowy plovers on Pescadero Beach, he drove there asking himself how he would find the small birds on the huge beach. At the beach, there was symbolic fencing around the nesting area with signage to make it easy to find them. He asked the rangers how they got the fencing up so fast, and they explained that they have it in storage. When they heard about the plovers, they put up the fences. He stated that he was amazed and discovered that it was the norm on the beaches in California, and the fencing was gone following the nesting season. When taking pictures of the plovers on Linda Mar Beach, typically they were well away from where people were having activities and near the entrance to Crespi. He felt that all the symbolic fence will do is direct traffic. He felt the Council needed to be sure that any decision they make be an effective decision. He felt it was an easy decision, which was a simple cable fence during the winter months when that part of the beach was fairly empty. He asked that they accept the proposals made by staff and move on.

Lynn Adams, Pacifica, liked what he said. She stated that it was easy to put up the fence, following her leading teams of people through the summer. She stated that the volunteers didn’t interfere with the plovers because they worked with them enough and they teach the people to go around on the bike path. Their mission was to try to not let people go through the dunes. She mentioned the specific paths they train people to use and she asserted that the fences were needed, as well as efforts in education, since most people do not know there are snowy plovers and they are in harm’s way. She felt the decision was easy. They have come up with some good plans and she felt it needed to be passed and then move forward. She loved the idea of a movable fence because there were times when the plovers were further north or further south. She thanked them for taking this on and hopefully making a decision.

Cindy Abbott, Pacifica, thanked Dir. Perez for his long but interesting report. She agreed that it seemed that this has taken an inordinately long time, but she appreciates that it involved a number of other agencies, as well as other considerations that needed to be addressed on how they enforce these regulations, referring to signs put up previously but no longer there because they go by the wayside. She felt it was terrific news that it was coming when they can benefit from the revenues from the parking program. She was also in support of the two different levels of fencing, referring to walkers who would tend to take short cuts. She was an advocate of symbolic fencing because she appreciated what she learned from having a simple device that can be relocated and easily placed or removed when not necessary. When she goes to beaches, that clicks for her that she needs to be careful and can also learn something by looking there. She hoped they moved forward with the symbolic fencing and doing things needed to protect these birds. She felt they will also bring other people to enjoy our beaches and attract them to Pacifica.

Mayor Stone closed public comments.

Councilmember Digre stated that the action requested refers to May 31 and it looks like the symbolic fencing was what they were talking about, but it does mention the other one. She assumed that there were no contradictions.

Councilmember Ervin asked confirmation that the Coastal Commission's approval of paid parking was based on symbolic fencing in the request.

City Manager Rhodes stated that it was not correct. He pointed out earlier that, because this was an issue they negotiated with the Coastal Commission staff, the condition says dune protection and it talks about the informal trails and, in a parenthetical, it lists a few items and then says etc. Those were not included as conditions by being put in the parenthetical. He stated that they were originally in the report and were taken out by putting in the parenthetical. He reiterated that they do not have a requirement for that, because in their conversation with the Coastal Commission staff, they were having the U.S. Fish & Wildlife consultation and didn't know what was going to come out of that or where they were going to go, so they asked that they not connect the two.

Mayor Stone admitted that it was confusing because they have these two projects going on simultaneously and the beach parking requires the rangers which helps the plover issue but there are no minimum standards on the things they were looking at for this item.

Councilmember Ervin thanked all the people who have been involved in this and she agreed that it has taken a long time. They are looking at a diminishing population of snowy plovers and she felt it was important that they move forward and she appreciated that this was brought to their attention. She stated that they have a narrow strip of land and a diminishing population of threatened snowy plovers and, at the same time, an increasing population of recreational beachgoers. She was trying to figure out a way to give the maximum benefit to the snowy plovers who need our help and, at the same time, minimal restrictive pressure on the recreational users at the beach. She was trying to balance that and understand whether this is too restrictive for a beach the size of Linda Mar to cordon off the area in question to so many beachgoers, especially on a hot, sunny day. She appreciated the fact that it was not year round, but she didn't know how easy it would be to get someone there to move it. She felt positive about some changes they were talking about, such as finally enforcing the leash law. She mentioned that research has shown that the most significant effect on the snowy plover was from off leash dogs because they run into the area and scare away the snowy plovers. She felt that would make an enormous difference to her and she was supportive of having the leash laws enacted, adding that she was an avid dog owner who loves running her dog but understood the importance of keeping them from that area. She was also a strong advocate of the educational incentives being proposed. She felt it was important for the organizations to educate the children. She was grateful for being taken to the beach and being shown the snowy plovers. She was grateful that they were on our beach but she wants to be sure they are doing the right thing with plenty of space for their recreational users as well. She thought the signage was an opportunity to educate people and she appreciated the fencing along the east side of the bike trail. She appreciated pulling the invasive ice plant which was a hit on the snowy plovers and they were not getting the food that they need. She appreciated that but would like more deliberation on the symbolic fencing. She had no problem with deterring people at the Crespi trail to go to the south end of the park, but the size of the area in the symbolic fencing was her concern.

Mayor pro Tem Nihart echoed Councilmember Ervin's thank yous. She has been listening to this for the whole four years and she was thrilled that they were moving in a direction that gets some resolution. She thanked staff, as well as people supporting the snowy plovers, and having Greg Cochran talk about people he had talked to in a broader beach going sense was also significant. She appreciated what has moved forward. She didn't have any confusion about the symbolic fence and what it means, but she needed more discussion in terms of the

location but especially the liability if someone falls over it. She gets the impact of the impromptu trails because people walking through there along with the fear that might occur because people will try to park in other places and try to walk in. Now that she understood what the fence looks like, she was fine with that. She was fine with the rules but still needs more discussion about that.

Councilmember O'Neill asked if anyone has seconded the motion.

Mayor Stone stated that Councilmember Digre didn't make a motion.

Councilmember O'Neill stated that he was ready to vote.

Mayor Stone stated that he was out looking at the beach and it was after high tide and they could still see the high water mark. He stated that it was definitely 230 feet away from where the dunes meet the trail. He thought it was close to the water mark or, in some places, the water mark would go over. He did have some concerns about safety, especially during high tide. If the water does get close to that, it does close the rest of the north end of the beach and could be a safety issue. He had some concerns about that. He thought the signage would be a huge improvement. He was thinking of actually putting a map on the beach of the beach and shade the plover area. He acknowledged that they would have to run it through the Coastal Commission. He was also looking at areas where they might be able to improve it, other than the kiosk at Crespi, such as by the pump house entry on the south edge at the Crespi entrance. He also thought two other places for that sign would be at the end of the fencing where it goes into the walking trail on the northern end, and the area up on the hill on the walking trail itself, where it looks like an A and goes down into the beach and they can get a visual of where the area is. He asked Mr. Perez if what they were doing now was to get an idea of measuring the improvement of what anything they do would be. He thought they weren't doing much now, and even the leash law was not being enforced. He was trying to add up all the changes and improvements, mentioning that when they get the rangers, it would be a massive improvement. The signage would be a very helpful improvement. He was supportive of the fence that goes from Crespi north along the trail between the dunes and the bike trail which he felt made a lot of sense and does answer the Coastal Commission concern about charging for beach parking and people possibly walking through the dunes and making their own trails, which would lead them into the plover habitat. He sees those as being a huge improvement over what they have and will benefit the snowy plover immensely. As far as the fencing between the pump house and Crespi on the south end, he thought there were not a lot of trails that go through there. He definitely understood the concerns that, if they charge for beach parking, people may find other avenues to walk, but obviously there was no parking to walk that makes any sense between Crespi and the pump house and he was thinking that the fence from Crespi south might be overkill and would affect the aesthetics of the beach and it wasn't even where the plover habitat is. He was trying to find a balanced solution. He talked to about 50 people on Sunday, asking them what they thought about it. There were a lot of people in the community that use the beach, such as families, etc., and the plover advocates, and he was looking for a balanced solution to improve what they have now, and see if they were doing what they need to do. He again stated that, when seeing the symbolic fencing along the beach and the signage, he sees that as a step further than we have to go now, but doing the extra signage, directing people from Crespi onto the beach and having the fencing from Crespi north, coupled with enforcing the leash law, seemed like a huge improvement and a great place to start that would be less of an impact on the beach. That was his proposal.

Mayor pro Tem Nihart asked if some of the potential funding sources for this were tied to the

symbolic fencing or inclusion of the symbolic fencing.

PB&R Dir. Perez stated that, according to the Coastal staff, when he initially talked to them, they were very supportive of the plan they had with signage. They didn't have symbolic fencing and, without knowledge of dune protection for the Coastal program, they didn't view the back fence as saving that much because there wasn't a lot of evidence of informal trails at the time, and they didn't see a need for that. They would fund the program for signage and were supportive of symbolic fencing. He has since explained to them, and he felt they would be supportive of the back fence knowing what they know now. He stated that there was a comment earlier about funding, and it was true that they like to see the plan. The Coastal program works with the Coastal Commission for you. It was in the staff report but it wasn't spelled out. He stated that, if they get funding from them, they will help expedite the Coastal Commission process because that is what they do and they are good at it. They already like the idea of the program and they were interested in funding it, but the problem was that they don't have the funding now.

Mayor pro Tem Nihart asked when roosting start in the year.

PB&R Dir. Perez stated that they have experts present who know more than he did. He heard someone say 6-8 months, but they have ten months out of the year, and some say wintering is July to April, but he thought it depends. He thought the birds here might spend less time, adding that a lot of people in the audience would know when they leave and when they return.

Mayor pro Tem Nihart assumed that, if we did it, we wouldn't do it the whole ten months.

PB&R Dir. Perez thought, if they have help to move it, that would make a big difference. He stated that someone had mentioned that they moved it for Mavericks and it took a few hours. That sounds about right to him also.

Councilmember Digre stated that it was a symbolic fence and, if it takes a few hours, she wasn't sure what the concern was. She thought, it was a hard fence, that would be different, but with symbolic, she wasn't sure it would be a problem for anyone. She thought the moving of the symbolic fence could certainly be worked out as needed. She would feel comfortable going forth with the motion.

Councilmember Digre moved that the Council action confirm the rules, recommendations submitted by the USFW on May 31, 2012 for the Western Snowy Plover protection plan at Pacifica State Beach with the addition of symbolic fencing as recommended by the USFW and direct staff to move forward with funding research and implementation; seconded by Councilmember O'Neill.

Mayor Stone did not want to venture too far in that direction at this point before taking a more measured incremental approach to this issue.

Councilmember Ervin stated that she would be very open to even the symbolic boundaries but she was concerned with the size of the area they are talking about from which people will be restricted.

Councilmember O'Neill stated that there was quite a bit of concern about the amount of symbolic fencing. If the motion was to do it as outlined in the picture, he asked if it could be changed if it becomes cumbersome or an issue with the use of the beach for other recreational activities.

City Manager Rhodes stated that they would have to negotiate that location with all of the involved agencies.

Councilmember O'Neill asked clarification that he was saying the choice now was that they either go with what was outlined in the staff report in that picture or would have to be negotiated now if they want to change because this was what they were planning on submitting. If it became an issue six months down the road, he asked if they would have to go back to the powers that be and negotiate then.

City Manager Rhodes stated that it would depend on how they submit it and get it approved. If it was a movable line, they would have to have that understood in the submission so that it isn't a fixed point. It was still going to be based on some determination of where that point is at any particular time.

Councilmember O'Neill stated that he was trying to address the concerns by the Councilmembers about aesthetics, that it takes too much of the beach and was inhibiting other uses of the beach. He asked how they would inform the Coastal Commission where they were putting the poles for this symbolic fence. He stated that he didn't have a problem with the way it is now but, with addressing the concern, how on a shifting sand basis are they going to tell the Coastal Commission that X marks the spot.

City Manager Rhodes assumed that they were going to fix a point and it would move based on the circumstances of the shifting sand, however, they will initially have to peg a point where it will be a major point of where they will be.

Councilmember O'Neill assumed that, ever time the sign is put up, it could be in a different spot because that is the way life is.

PB&R Dir. Perez stated that most of the signs will be in a fixed spot if they are not attached to this fence. The fence is a movable fence, and any part of their signage plan that is on a kiosk or a point of access type sign, when they get out at the edge of the path coming from Crespi, that was where you would see a larger sign and it would be a fixed point.

Councilmember O'Neill asked the two Councilmembers if they would be willing to look at the motion and accept it given the fact that staff will have to deal with variables and the DPW will have to deal with variables every time they put new signs out and accept it the way it is.

Mayor Stone stated that his concerns were different. He appreciated Councilmember O'Neill trying to find a middle ground. His big concern was that he thought they could do a lot of other things that will vastly improve what they were doing and will be better for the snowy plover without having to go to something that could vastly change the aesthetics of the beach and other negative impacts and he would not be supportive of that.

Mayor pro Tem Nihart thought they were getting hung up on the symbolic fence and she senses that. She didn't want to hold up doing the rest of the program because they can't decide about the fence. She asked if it was possible or not possible.

City Manager Rhodes thought that, when they go back, based on what they have, the requirement will be for the symbolic fence, but he didn't know that.

Councilmember Ervin asked who's requirement it was.

City Manager Rhodes stated that it would be the Coastal Commission.

Mayor pro Tem Nihart asked clarification that, if they discovered in the winter when it happens and the high tide goes past the fencing, they would move the fencing.

City Manager Rhodes stated that was why it was set up to be movable so that it can change based on beach changes.

Mayor pro Tem Nihart concluded that there would always be space to get to the north end.

Councilmember Digre referred to the map, and asked if it was high tide or low tide.

PB&R Dir. Lopez stated that it appeared to him that the darker area would be the higher tide. He stated that the map was from 2009, and he didn't have the exact date.

Councilmember Ervin stated that she was confused. She thought there was no restrictions in regard to the paid parking but now she was hearing differently.

City Manager Rhodes explained that there were two applications and, setting paid parking aside, they have to go back to the Coastal Commission for permission to put up the fencing and signs and everything for the snowy plover program. That has nothing to do with parking. That is where he thinks they will have an issue regarding the symbolic fencing.

Councilmember Ervin asked clarification that they won't let them do signage.

City Manager Rhodes stated that he did not know.

Mayor Stone stated that he was anticipating but he did not know that.

Mayor pro Tem Nihart stated that they wouldn't be doing any of this unless they can find a source for the funds.

City Manager Rhodes stated that the irony of this is that they have to get permission first to do this before they can look for funding. He assumed they could make it conditional to funding but they have to go forward. In order to get the funding, they have to tell them what they are going to do, and in order to tell them what they are going to do, they have to get the permission to do it.

Mayor Stone asked if everyone was clear with the motion.

Councilmember Digre moved that the Council confirm the rules, recommendations submitted by the USFW on May 31, 2012 for the Western Snowy Plover protection plan at Pacifica State Beach with the addition of symbolic fencing as recommended by the USFW and direct staff to move forward with funding research and implementation.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Sue Digre, Councilmember
SECONDER:	Mike O'Neill, Councilmember
AYES:	Nihart, Digre, Ervin, O'Neill
NAYS:	Stone

10. Approval of Minutes of City Council Meeting of December 10, 2012
PROPOSED ACTION: Move to approve the City Council minutes of the December 10, 2012.

City Clerk O'Connell presented the staff report. She then drew a name from the 3 Councilmembers who had not attended the meeting in order to have a quorum to approve the minutes. The name drawn was Councilmember O'Neill.

There were no public comments.

Mayor Stone clarified that in Item #15, 5th paragraph following public comments stating, "He recognizes that Mr. Revell's company has an interest in this and the community members need to be represented" should read that "He recognizes that Mr. Revell's company has an interest but does not see him as a community stakeholder."

Mayor pro Tem Nihart moved approval of the minutes from December 10, 2012 as amended; seconded by Councilmember O'Neill.

RESULT:	ADOPTED [3 TO 0]
MOVER:	Mary Ann Nihart, Mayor pro Tem
SECONDER:	Mike O'Neill, Councilmember
AYES:	Stone, Nihart, O'Neill
ABSTAIN:	Digre, Ervin

11. 2013 City Council Liaison and Committee Assignments
PROPOSED ACTION: Modify the 2013 City Council Liaison and Committee Assignments.

City Clerk O'Connell presented the staff report.

Mayor Stone stated that there were only a few committees that have alternates. He had a couple of questions for staff. On Pacifica School Volunteers, he asked if there were two members of that or was that one with an alternate.

City Clerk O'Connell thought there were two members with an alternate.

Mayor Stone asked if they can have two members on a committee and have an alternate or is it a Brown Act issue.

City Clerk O'Connell explained that the alternate is if one of the two can't attend.

Mayor Stone stated that they need an ABAG alternate. He was the present alternate and would be happy to continue that CCAG alternate. He asked if they would have an alternate for the North County JPA as well even though there were two members on that.

City Clerk O'Connell responded affirmatively.

Mayor Stone mentioned that it was the JPA, Pacifica School Volunteers and the Devil's Slide Tunnel Advisory Committee.

Councilmember Digre stated that they have the Airport Roundtable.

Councilmember O'Neill stated that he would do the Airport Roundtable as an alternate. He stated that he would like to do the Fireworks Task Force and asked if they were going to talk about that now.

Mayor Stone acknowledged that it was on the list.

Councilmember O'Neill asked if they were not going to talk about that now.

Mayor Stone stated that it would be established later when they have established the committee.

Councilmember Digre stated that there was a conflict for her with two that are on the same day, Open Space which she would like to keep, and Emergency Preparedness and Safety Commission which was also on the third Wednesday. She stated that she would like to stay on ABAG as an alternate.

Councilmember O'Neill asked if the Emergency Preparedness was a local city one.

Mayor Stone responded affirmatively.

Mayor pro Tem Nihart stated that she would love to participate in that.

Councilmember Digre thought they met at 7:00.

Mayor Stone thought it was 6:00. He stated that he would continue to do CCAG if everyone was okay with that. He stated that the next was an alternate for the North County JPA.

Mayor pro Tem Nihart stated that there was already two on there.

City Clerk O'Connell stated that they have had alternates in the past.

Councilmember Ervin stated that she can be an alternate.

Mayor pro Tem Nihart asked if there was an alternate for the Emergency Preparedness and Safety Commission.

Mayor Stone stated that there hasn't.

Councilmember Digre thought there should be because they always want someone there.

City Clerk O'Connell clarified that Councilmember Digre was on the Emergency Preparedness and Safety Commission with Mayor pro Tem Nihart.

Councilmember Digre stated that she had to drop because that was the one in conflict with

Open Space.

Councilmember Ervin asked if they got an alternate for the Emergency Services Council.

Councilmember O'Neill stated that he can be an alternate for the Emergency Preparedness and Safety Commission.

Mayor Stone stated that they didn't have anyone for Emergency Preparedness.

Councilmember O'Neill stated that he volunteered as an alternate. Mayor pro Tem Nihart was now the liaison.

Councilmember Digre stated that she would be happy to serve on the Emergency Services Council.

Mayor Stone asked Mayor pro Tem Nihart if she would like to be the alternate on the North County Fire JPA.

Mayor pro Tem Nihart thought Councilmember Ervin had volunteered.

Councilmember Ervin confirmed that she had.

Mayor Stone stated that they had the San Mateo County JPA Advanced Life Support. He asked if there were two members.

Mayor pro Tem Nihart stated that she thought there was only one, mentioning that she has been the alternate before.

Councilmember Digre stated that she would be the alternate.

Mayor Stone stated that it left the Pacifica School Volunteers, asking clarification that they need an alternate.

City Clerk O'Connell stated that they have in the past, and she was following past practice.

Councilmember Digre stated that she would love to be on that.

Mayor Stone stated that both Councilmembers Digre and Ervin were on it now. He stated that the Devil's Slide Tunnel Advisory Committee was winding down, with only a few more meetings before the tunnel opens. He asked if Mayor pro Tem Nihart wanted to continue.

Mayor pro Tem Nihart agreed. She asked if the successor agency should be on the list, since the county appointed the position.

City Manager Rhodes thought the mayor appoints one.

Mayor pro Tem Nihart thought it would be hers.

City Manager Rhodes responded affirmatively. He didn't think it would be on the list since it was by the mayor, not a volunteer.

Mayor Stone thought it was not a Council decision.

City Attorney Kenyon stated that it was the Council Committee.

Mayor pro Tem Nihart stated that she asked about it because they were going to list them on the website. She stated that she knows they did the resolution for the Beautification Task Force but they have all kinds of things. She asked if they need a liaison, clarifying that it was not a task force but an advisory committee. She stated that there was no member.

City Manager Rhodes stated that they did not provide for a liaison. He added that they could change that, but it didn't happen.

Mayor Stone asked if staff identified anyone for an alternate for the Airport Community Roundtable.

Councilmember O'Neill stated that he was going to do that.

Councilmember Digre asked if they got an alternative for the Open Space.

Mayor Stone stated that he would do that.

City Clerk O'Connell asked confirmation that the Mayor was the alternative to Open Space.

Mayor Stone responded affirmatively.

City Manager Rhodes asked who was on Airport Roundtable.

Councilmember O'Neill stated that he was on it.

Mayor Stone asked if Councilmember Digre was the member and Councilmember O'Neill was the alternative.

City Manager Rhodes asked if she had a conflict.

Councilmember Digre stated that she didn't have a conflict with that, it was the Emergency Preparedness where there was a conflict.

ADJOURN

Mayor Stone adjourned the meeting at 9:46 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted.

Kathy O'Connell, City Clerk

Len Stone, Mayor