



**CITY OF PACIFICA  
CITY COUNCIL MINUTES**

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

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

**June 09, 2014 (MONDAY)  
www.cityofpacifica.org**

Mayor Mary Ann Nihart called the meeting to order on June 9, 2014 at 7:00 PM

**6:00 PM CLOSED SESSION**

1. PURSUANT TO GOVERNMENT CODE SECTION 54957.6 Conference with labor negotiator. Agency negotiator: Glen Berkheimer. Employee organizations: Pacifica Firefighters Local 2400; Teamsters Local 856 Battalion Chiefs; Department Directors Local 350; WasteWater Treatment Plant Employees Local 856; Miscellaneous Local 856; Managers Local 350; Police Officers Assn.; Police Supervisors Assn.; Police Management Local 350.

**7:00 PM OPEN SESSION**

Call to Order

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

Staff Present: Lorie Tinfow, City Manager; Bob Pittman, Asst. City Attorney; George White, Planning Director; Lee Diaz, Assoc. Planner; Van Ocampo, Public Works Director; Raymond Donguines, Assoc. Engineer; Jim Tasa, Police Chief; Joe Spanheimer, Police Captain; Dan Steidle, Police Captain; Rich Johnson, Deputy Fire Chief; Mike Perez, Director of Parks & Recreation; Steven Carmichael, Interim Admin. Services; Kathy O'Connell, City Clerk.

Salute to the Flag led by Councilmember Stone

Closed Session Report

Asst. City Attorney Pittman stated that Council gave directions to staff on continuing ongoing negotiations with labor unions.

**CONSENT CALENDAR**

Councilmember Stone stated that he will be abstaining from the minutes.

Attachment: Minutes of June 9, 2014 (1494 : Approval of Minutes)

Mayor Nihart stated that she had given the City Clerk some corrections that she had on statements she made at the previous meeting.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Len Stone, Councilmember
<b>SECONDER:</b>	Karen Ervin, Mayor pro Tem
<b>AYES:</b>	Nihart, Ervin, Digre, Stone, O'Neill

1. Approval of Disbursements for 05/16/14 to 05/22/14  
**PROPOSED ACTION:** Approve attached list of disbursements for 05/16/14 to 05/22/14.
  
2. Approval of Minutes  
**PROPOSED ACTION:** Approve the Minutes of the May 27, 2014 regular City Council meeting.
  
3. Proclamation Confirming Existence of Local Emergency  
**PROPOSED ACTION:** Accept current photos as of June 3, 2014, (Attachment 1) and move to continue proclamation confirming the existence of local emergency.
  
4. Authorize to Advertise for Sealed Bids the FY 2014/15 Linda Mar Boulevard Pavement Rehabilitation Project.  
**PROPOSED ACTION:** Authorize staff to advertise for sealed bids for the FY 2014/15 Linda Mar Boulevard Pavement Rehabilitation Project.
  
5. Approval of Amendment No. 1 to Consultant Services Agreement with Eisenberg, Olivieri & Associates Inc. in the Amount of \$38,400 and Amendment No. 1 to Agreement with San Mateo County to Develop the San Pedro Creek and Pacifica State Beach Total Maximum Daily Load Best Management Practice Implementation Plan  
**PROPOSED ACTION:** Approve Amendment No. 1 to Consultant Services Agreement between the City of Pacifica and Eisenberg, Olivieri & Associates Inc. (Attachment 1) and Amendment No. 1 to the Agreement with San Mateo County (Attachment 2) in Connection with the Development of the San Pedro Creek and Pacifica State Beach Total Maximum Daily Load Best Management Practice Implementation Plan and authorize the City Manager to execute the amendments. No additional budget authority is required as funds were previously budgeted in both the NPDES Fund 16 and Waste Water Fund to cover the City's portion of the contract.

Attachment: Minutes of June 9, 2014 (1494 : Approval of Minutes)

**SPECIAL PRESENTATIONS**

Terra Nova High School Robotics Team

Andy and Ashley of the Terra Nova Robotics Club thanked the Council for allowing them to report on their after school robotics program. Ashley reported that there has been a push for STEM education (Science, Technology, Engineering and Math). Andy stated that they compete in an organization called FIRST (For Inspiration and Recognition of Science and Technology) founded by Dean Kamen who also invented the Segway. Andy and Ashley then

proceeded to report on the progression of the Terra Nova Robotics program. They were then opened to questions and stated that they could possibly let them drive their robots.

Mayor pro Tem Ervin stated that it was a great presentation that was fun to watch. She commented that they have been together for four years, and asked if they are still in high school or have graduated, specifically when did they start.

Andy stated that the two of them have started two years ago, but they have had teammates who have graduated in past years. They keep on recruiting younger classmates to let the program live on.

Mayor pro Tem Ervin asked how many students are involved.

Andy stated that last year there were 16 students involved.

Mayor pro Tem Ervin asked what teacher runs the program.

Andy stated that they did not have a teacher from Terra Nova but rather an adult volunteer.

Mayor pro Tem Ervin asked if they were interested in going into Engineering.

Andy stated that several of them are interested in going into Engineering and some thing of it just as a hobby.

Councilmember O'Neill stated that he has been keeping an eye on them for a couple of years because his daughter wasn't in the program but her good friends were in Istanbul. He was impressed at having a team from Pacifica that attended a competition in Istanbul, mentioning the Pacifican who swam the English Channel in the recent past. He reminded everyone that they are always looking for donations to be able to go to the various events. He stated that the volunteer was dedicated.

Councilmember Digre stated that she has seen them in actions, doing demonstrations, and all ages were there like bees to honey. She stated that they did a fantastic PR job, as well as the educational job.

Councilmember Stone thought it was cool, mentioning that he was proud of them for representing our city and schools all over the world.

Mayor Nihart commented that they probably wanted to show them something. She stated that they would love to see it. She was so impressed and very excited for them. She added that she couldn't believe anyone would think engineering a hobby.

Councilmember O'Neill mentioned that they were always looking for parts from old computers and suggested that people donate any old computers.

Ashley demonstrated a robot from two years ago. She offered to let them drive it.

Mayor Nihart thanked them, adding that they would pass as they had a heavy agenda.

## Proclamation - Amateur Radio Week

Mayor Nihart then referred to the next presentation, stating that they did their usual proclamation for Amateur Radio Week. She stated that the Coastside Amateur Radio Club, along with Amateur Radio Emergency Service and Radio Amateur Civil Emergency Service, were prepared to provide emergency communications for the residents of Pacifica. She stated that, while she would not read the proclamation, they were a big part of our crisis drills and disaster drills and we were lucky to have such a thorough club that does so much to support us. She stated that they hold their demonstration in Pacifica on Sweeny Ridge at the San Francisco Bay Discovery Site which they will do again this year, and she then proclaimed the week of June 23 - June 29 as Amateur Radio Week. She thanked them for all they do for our community in keeping us safe.

## **PUBLIC HEARINGS**

6. Consideration of 1) an Appeal of Planning Commission's Adoption of "A Resolution of the Planning Commission of the City of Pacifica Certifying that the Proposed 2014-2019 Capital Improvement Program is Consistent with the General Plan" and 2) Adoption of a Resolution Entitled "Resolution of the City Council of the City of Pacifica Denying an Appeal by Hal Bohner on Behalf of Peter Loeb and Stan Zeavin and Upholding and Reaffirming the Planning Commission's Findings that the Proposed 2014-2019 Capital Improvement Plan is Consistent with the General Plan"

**PROPOSED ACTION:** Move that the City Council finds the 2014-2019 City of Pacifica Capital Improvement Program to be Consistent with the existing General Plan; and Deny the May 11, 2014 appeal by Pacificans for Highway 1 Alternatives, Peter Loeb and Stan Zeavin through its Counsel Hal Bonner.

Assoc. Engr. Donguines presented the staff report.

Mayor Nihart stated that there was a question as to whether this could be heard as an appeal and she asked the City Attorney to address that.

Asst. City Attorney Pittman stated that the Planning Commission's role in looking at the CIP was very limited as stated in the government code, specifically to review it for consistency with the General Plan and provide a report to the legislative body, i.e., City Council. They felt that they have an advisory role only, and as it was coming to the Council regardless, it was unclear that the decision or report of the Planning Commission was an appealable item. He added that, with an abundance of caution, there was no harm in taking it as an appeal and ruling separately on the Planning Commission's determination and taking the consideration of the CIP up at the same meeting. They ultimately decided to proceed with the appeal but there was a question as to whether it was an appealable decision.

Mayor Nihart stated that the staff report asks the question as to whether they want the Council to address the question and hear the appeal.

Asst. City Attorney Pittman stated that, if the Council wants to rule on that question, the answer was yes.

Councilmember Stone stated that, based on the staff report and comments by the City Attorney, it seems like it was the City's belief that it was not an appealable item but it was not worth the hassle and they should review it, and then could also address the other item at the end. He

thought, if that was a precautionary measure, it seemed prudent to take that course and they should hear it.

Mayor Nihart asked clarification that what they were appealing was an advisory measure on the CIP itself.

Asst. City Attorney Pittman stated that the Planning Commission's role was to look at the projects that were listed in the CIP and determine whether they were generally consistent with the programs or policies set forth in the General Plan. He stated that, on a basic level, both the Capital Improvement Program was a list of capital works projects that the city may or may not fund over the next five years, but the intent of a CIP was to set a prioritization for the projects so that, when funding becomes available, those were the projects that they would like to consider. He stated that it was a planning tool, although not in the true sense because it is used for financial planning. He stated that, like the General Plan and the local Coastal Commission Plan, the CIP is an over arching planning document and they were not looking at the merits of the project and approval of the CIP was not an approval or commitment to any particular project and certainly does not comply with the CEQA requirements for any underlying projects, but when the projects come forward, this was the priority in which they would like to see them come forward. He stated that the Planning Commission's role was to look at the projects, determine if there are policies or plans in the General Plan that they can advance. He stated that the General Plan was comprehensive reflecting a range of competing interests. He stated that there are sometimes internal inconsistencies within the General Plan because there are different interests and policies depending on the element they have. He stated that the Commission looks to policies to determine if they are generally in harmony with the General Plan but not looking for exact consistency. He stated that it was virtually impossible for any project to be 100% consistent with the General Plan but reflects the competing interests and a balancing act and determination by the decision maker. Appellants contend that the Planning Commission's decision was flawed based on a single project, the Calera Parkway project which was included on the city's CIP for 15-20 years.

Public Works Dir. Ocampo stated that the earliest they found was 2004.

Asst. City Attorney Pittman acknowledged that it was on for at least the last decade. He stated that there have been previous determinations and they have not had any comprehensive changes to the General Plan over that time. He stated that the typical practice in many cities was projects are carried over and you don't necessarily remake the findings but carry them forward from prior years. He added that, for an abundance of caution, they will go through those now. He stated that, in making the determination, the appellant's second argument stated they didn't make the proper findings under a case called Topanga Canyon, explaining the particulars in that case. He then referred to the projects covered in the General Plan, giving the particulars on those projects, stating that they were sufficient to constitute substantial evidence on which you can make a determination or uphold the decision of the Planning Commission. He then referred to arguments that inaccurate information given to the Planning Commission flawed their decision, and he addressed that, concluding that it did not affect the legality of the General Plan or the decision of the Commission.

Public Works Dir. Ocampo stated that, for the reason stated, staff believed there was no merit to any of the appellants' factual or legal claims and staff believed that ample evidence existed in the record to support the Planning Commission finding that the 2014-2019 CIP, including Calera Parkway Project, was consistent with the General Plan and Local Land Use Plan and staff recommended that City Council deny the appeal by the Pacificans for Highway 1 Alternatives

and sustain the Planning Commission finding that the 2014-2019 Pacifica CIP program was consistent with the existing General Plan and local Coastal Land Use Plan and state findings regarding projects carried over are consistent with the General Plan.

Mayor Nihart assumed that they will let the appellants have their time and then open the Public Hearing.

Asst. City Attorney Pittman responded affirmatively.

Councilmember Stone stated that it was important to ask what the real question was. He thought that was a very thorough explanation but admitted he got a little lost. He stated that what jumped out to him was the part that asked if a reasonable body or person came to this conclusion. He asked how that factors in to all of this and he asked if that was one of the questions they were being asked.

Asst. City Attorney Pittman stated that they have to show that the evidence in the record was substantial evidence to support their decision. He explained that the courts find that, based on the evidence in the record in front of them and what they relied on for their decision, a reasonable person could come to a similar conclusion looking at and weighing the evidence. He clarified that it didn't mean that the majority of the evidence supports their decision but that there was substantial evidence on which to base their decision.

Councilmember Stone stated that, on many of these appeals, they were asking for right or wrong, but he felt this was a different thing.

Asst. City Attorney Pittman reiterated that it was a policy level decision, legislative matter, and their decision making has to be based on substantial evidence and cannot be arbitrary.

Mayor pro Tem Ervin asked confirmation that this has been in the General Plan since 2004.

Public Works Dir. Ocampo responded affirmatively.

Mayor pro Tem Ervin asked that every year since 2004 the commissioners have approved it as part of the General Plan.

Mayor Nihart clarified no, it was part of the CIP.

Public Works Dir. Ocampo responded that it was correct that it was approved as part of the CIP.

Mayor pro Tem Ervin asked if any commissioners had brought up a concern that it wasn't consistent with the General Plan.

Assoc. Planner Diaz stated that, to his knowledge, there has been no concern brought up by the Commission in the past.

Councilmember Digre thought her interpretation of substantial was earthshaking, but asked if their interpretation of substantial would be that the General Plan covers a wide variety of topics and substantial information would be that with the CIP, the Planning Commission looked at things within the General Plan under various categories which constitutes substantial.

Asst. City Attorney Pittman stated that substantial evidence was a term of art used by the courts in looking at these decisions and they have to keep in mind that the purpose of the General Plan was a global overreaching policy document which includes competing interests and sets forth policies and goals. Nothing was 100% consistent with the General Plan and the body adopting it, City Council, was in the best position to balance the interests and make a determination based on the evidence and policies set forth in the document. He stated they could not introduce findings or policies not in the body but can point to policies in the document with which projects are consistent and the competing interest can determine whether the project was roughly consistent.

Councilmember Digre asked if they were not saying this particular project was the best thing in the world and was fulfilling the parts of the General Plan as written.

Asst. City Attorney Pittman explained that this was a policy level document and they were not looking at the merits of the specifics of the various projects on the CIP because they don't have project level details on a lot of these. They were long range projects that they were hoping to implement if they got sufficient funding. They may not be at a design level stage. He reiterated that approval of the CIP does not commit them to a particular project and does not fulfill obligations under CEQA with respect to that project. A determination by the Planning Commission or the Council on appeal that a project at this stage with the CIP is consistent with the general plan does not foreclose a finding later on at a design level that the project, as designed, is not consistent and needs alteration.

Councilmember O'Neill asked, in follow up, if anyone has appealed to the City Council before on any Commission's approval of the CIP.

Assoc. Planner Diaz stated that this was the first one that he knows of.

Councilmember O'Neill assumed that this has been regular business as usual which was the next item on the agenda.

Assoc. Planner Diaz responded affirmatively.

Councilmember O'Neill stated, for clarification, that this was deciding you want to have a car, then next you decide the make of the car, and we have not yet decided on what kind of car.

Asst. City Attorney Pittman responded affirmatively.

Mayor Nihart stated, to continue the metaphor, this was basically our wish list.

Asst. City Attorney Pittman agreed that the CIP was essentially their wish list.

Mayor Nihart stated that, if they have a car on their wish list, they don't have a car.

Councilmember Stone stated he was going to ask about the same thing, in that the CIP was just a policy document but not an actual plan to build the things, with no design elements. He compared it to his CIP plan at home, i.e., fix the gutters, paint the house, remodel the kitchen, but the designs and other things haven't happened yet.

Mayor Nihart asked if the CIP accurately reflects the funding, referring to the money in there for some of the projects.

Public Works Dir. Ocampo stated that the CIP was an approximate estimate of the projects.

Mayor Nihart stated that they were a little off on the bridge. She stated that it was not the part we are paying versus the part funded by other monies.

Public Works Dir. Ocampo stated that they usually start the process early in the year and sometimes they don't get the actual numbers when they start.

Mayor Nihart concluded that it doesn't make any difference on our wish list, with rough guesses for the numbers.

Public Works Dir. Ocampo responded affirmatively.

Councilmember Digre referred to a wish list, hoping, etc., and stated that, while she wasn't going after that now, she will probably be readdressing and questioning those things.

Mayor Nihart referred to inconsistency with anything on the wish list, which changes a lot for her in any given year, and asked what substantial means with the General Plan.

Asst. City Attorney Pittman stated that, at the planning level stage, they have a general idea of what a particular project entails, even if you do not know what it will look like or what form it will take, and what you are looking for or what policies and goals they have in their General Plan and this program advances or was consistent with. He gave an example of a land use development, where they designate a particular property for open space and recreation, and on the Capital Improvement Program, you propose a mixed use development with a thousand living units and a significant portion of commercial space without the requisite ability to change the underlying land use and zoning, that would be inconsistent with the land use portion of that. He stated that it may advance other policies of the General Plan but, at that point, you could make a finding that in its current iteration, this was inconsistent with the general plan to a point that they would not want it on the CIP.

Mayor Nihart referred to the definition of the CIP as a wish list, mentioning that she didn't think any of the Councilmembers put any of them on the list, and asked how they came together.

Public Works Dir. Ocampo stated that they generally contact all the department heads and ask them to fill out the form and submit items for inclusion in the program.

Mayor Nihart assumed each and every item in the program comes back to Council for approval.

Public Works Dir. Ocampo responded affirmatively.

Mayor Nihart asked who was going to speak for the appellants.

Asst. City Attorney Pittman stated that they open the public hearing and start with the appellant.

Mayor Nihart opened the public hearing.

**Hall Bohner, appellant,** stated that he was trying to get clarity on the process. He asked if the appellant gets ten minutes, and sometimes there is a three-minute rebuttal allowed. He asked if that was part of the deal.

Mayor Nihart stated that whoever was speaking for the appellants now will get ten minutes. She stated that they can split it up, but after that, she will start calling the cards that she has. She mentioned that he had a card and he gets the ten-minute now.

Mr. Bohner asked if they would then not get a three-minute rebuttal.

Mayor Nihart asked a rebuttal to what.

Mr. Bohner explained that a rebuttal was for any comments raised by anyone else in the public hearing.

Mayor Nihart asked if they get to follow up at the end.

Asst. City Attorney Pittman stated that there was three minutes in the rules.

Mr. Bohner stated that he was representing Pacificans for Highway 1 Alternatives, Peter Loeb and Stan Zeavin. He stated that Peter would like to take part of the 10-minute segment.

Mayor Nihart responded affirmatively, clarifying that it was their ten minutes.

Mr. Bohner stated that he has submitted a lot of documents and he didn't have a lot beyond that other than to say that he disagrees with a lot of what was said and there was no point in going through and stating how he disagrees. He stated that the main thing they are talking about in their appeal was the Calera Parkway project, the elephant in the room. He stated that they were being hypocritical. The Council was saying this was on their wish list and hasn't been designed and they didn't know what it was and they were not responsible for anything about it. He then referred to the fact that the courts say the General Plan is very important to follow, to be consistent with, programs need to be consistent with and he felt it was clear to him that the Calera Parkway project was inconsistent with the General Plan. He stated that the General Plan specifically stated that the highway was to be altered and improved and the capacity not increased. He stated that it was very clear about this but in contrast that was exactly what the Calera Parkway project does. It increases the capacity of the highway. That was not a mystery or secret. He stated that the city engineers were familiar with it, adding that Mr. Ocampo was on the project development. He stated that, if they asked Mr. Ocampo if Calera Parkway would increase the capacity of Highway 1, he would answer yes and that was inconsistent with the General Plan and not a matter of discretion. He then stated that, while they may have the ability to exercise their legislative discretion, the Planning Commission was not exercising legislative judgment. They were an administrative body making administrative decisions. He stated that the law requires them to make an administrative decision about whether the projects in the Capital Improvement Program are consistent or inconsistent with the General Plan. He stated that their responsibility was a different one from Council's, and their attorney was mixing them together and that was not correct. He stated that there was a lot more he could say but he expected there was no point in that and he turned this over to Peter Loeb and reserved his three minutes for later.

**Peter Loeb, appellant**, stated, repeating what Mr. Bohner said, he had no illusions about where this was going, but he felt a need to make his own statements about why they filed the appeal. He acknowledged that the Calera Parkway project probably has been in the CIP since 2004, but it wasn't until just recently that there has been a final EIR for that project and it is very defined and, to pick up on Councilmember O'Neill's analogy, the final EIR does say what the make, model and type of car is, what the accessories are, what the upholstery looks like and

everything else, all very defined. He stated that, if they look at the resolution to deny this appeal, it has a sentence in it that says the improvements proposed by the project do not increase the capacity of the roadway, and he feels it is a false statement. He stated that it should be apparent to anyone that the purpose of the Calera Parkway project was to reduce traffic congestion and it does that by adding lanes which will reduce the congestion by increasing the capacity of that section to move more cars through it. He stated that, if they are denying the appeal, they are adopting a statement that the project does not increase the capacity of the roadway. He stated that it was right out of George Orwell's "1984," war is peace, freedom is slavery, ignorance is strength and adding lanes does not increase capacity. He stated that the General Plan says improvements to the highway should not increase capacity but they are going to adopt a resolution that says the Calera Parkway project was consistent with the General Plan. He stated that, politely, that is baloney.

**Leo Leon, Edgemar Avenue**, stated that he was at the meeting to present documents to the City Clerk for Council to consider and deliberate. He stated that the first was from the Coastal Commission regarding the project affecting natural environmentally sensitive habitat; the second from the Coastal Commission regarding the DEIR not having the necessary information to evaluate the project for its consistencies to the city's certified local coastal program and the Coastal Act. He stated that he served on the Planning Commission for over eight years and sat on the CIP and he never saw any of these letters. He asked Council if they have seen any of this information. He stated that the last time he voted on the CIP as a Planning Commissioner, he was on record as saying there was no information for him and no value to add for the Planning Commission. He stated that he has asked for more information on the CIP so they can add value to what they were asking. He stated that, if they want them to rubber stamp, he was willing to delegate it to staff and don't even involve the Planning Commission for the level of attention that they were given for what they were evaluating.

**Tom Clifford, Pacifica**, stated that his comment was on the CIP in general and it doesn't fit into what they were doing and he was going to skip it.

**Margaret Goodall, Pacifica**, stated that she was present to support the appeal filed by Hal Bohner. She believes that the Calera Parkway project was inconsistent with the General Plan and the Coastal Land Use Plan and she asked them to consider one example. She referred to pages 85 and 91, where staff cites the General Plan policies that were intended to improve safety and she asked parents if they truly believe their child would be safer crossing 7, 8 or 9 lines of traffic, either on foot or bicycle than crossing 4 or 5, or might they decide that it was safer for that child to drive to school with the parents with all those new lanes for the cars. She stated that pedestrians will need longer lights to cross a further distance to gain access both to the quarry and Rockaway, considered important parts of the LCP and the General Plan. She stated that the longer lights will cause traffic to be waiting longer, and she asked how will more traffic lanes to be crossed improve pedestrian and bicycle access and increase safety as proposed in the General Plan and the LCP. She asked about old folks or people in wheelchairs who may need a longer time to cross the highway. If they get started running because the lights are changing, we put them at risk, and she asked if we are discriminating against them. She stated that the Planning Commission should not have decided that the project was consistent with the General Plan and Local Coastal Plan. She stated that Council can do better for us. She asked them to think "outside the car."

Mayor Nihart stated that she had no other cards, and asked when the rebuttal happen.

Asst. City Attorney Pittman stated that it should happen before they close the Public Hearing.

Councilmember Stone stated that normally in the past, he would see that staff would rebut the appellant.

Asst. City Attorney Pittman stated that staff can respond to issues that were raised or questions from the Council once we close the Public Hearing.

Mayor Nihart stated she has a ton of questions. She stated that the issue was about consistency of the General Plan and other than two words, pulled out of a very long paragraph that describes a lot of stuff, and she has the pages marked in the General Plan that are being mentioned and she was having trouble with the consistency. She really liked the appellants, no matter what they may think in terms of her prejudgment or not, to explain the inconsistencies. She wanted to be sure to address things, such as the plan mentioning the specifics required in making plans for the widening, a road through the quarry, the non-conforming lots. She stated that in 1980 it mentioned that the highway was at capacity, referred to a service road through the quarry, and she asked how it was inconsistent since it described the problem they are now experiencing and have not solved yet.

Asst. City Attorney Pittman suggested that she hear from the applicant and then they will respond to questions from Council.

Mr. Bohner stated that he was confused with the process. He asked if this was his three-minute rebuttal and then other Council members will have other comments, then staff will have comments and he will not be able to rebut that or how will it work.

Asst. City Attorney Pittman stated that rebuttal was only reserved during public comment. The Council normally closes public comment before they start deliberations and will ask questions of staff but there is no rebuttal to the Council.

Mayor Nihart stated that she has asked a question of the appellant.

Asst. City Attorney Pittman responded that she can ask him a question and he can respond to that.

Mr. Bohner referred to her specific question, stating that there was a lot of detail and specificity. He stated that there was a complaint they filed in Superior Court, with 30 paragraphs listing the inconsistency. He stated that he wasn't prepared to go through all those. He stated that was exactly what the Planning Commission should have done or should be asking them to give them a detailed analysis comparing the General Plan with the Calera Parkway project to give the Council that information comprehensively instead of asking him to try and summarize 30 paragraphs in his complaint during his rebuttal time. He thought that might give them an idea of how the process should have worked. He referred to mention of the service road through the quarry. He agreed that was what the General Plan said, specifically that the highway will not be increased with frontage roads on either side. He stated that they might not like that and Caltrans may not like that, but that was what the General Plan says, adding that they were obligated to follow the General Plan and not be led by Caltrans to do what they feel like doing. He reiterated that the General Plan and the Local Coastal Land Use Plan are the bible for the development of this city. He stated that Caltrans does not get to rewrite that. It was Council's job. He stated that, if they want to rewrite the General Plan, go ahead. He thought that was apparently what they are considering doing, but they have not rewritten it yet or rewritten the

Local Coastal Land Use Plan yet. They have not had it discussed, considered and approved by the Coastal Commission. He stated that the 1980 General Plan was what governs.

Mayor Nihart closed the Public Hearing.

Councilmember Digre assumed Council had discretionary powers, and asked about the fact that there hasn't been any appeals in the past but doesn't mean that it is good. She thought, in this instance, an appeal is a good thing to bring it up to Council's discretion. She gets that this is somewhat superficial, and her interpretation of what was significant was extreme. She asked if they could step forward and say there is a higher issue here and maybe they could take this item out of the CIP and go forward with the CIP without it and bring this to further discussion. She thought she was hearing that members of the public would like them to hurry up and address the congestion management issue and argue the point. She stated that she went over it without looking at too many other documents. She went over the General Plan and she did see what the Mayor mentioned and she did see what Mr. Bohner, as well as several other things which, in the overall picture, the General Plan referenced, reading several statements regarding Pacifica's unique physical setting in the Bay Area and its significant aesthetic and potential economic value to the city. She mentioned that there was a grave concern that the widening would destroy that image and character, adding that the General Plan alludes to the Local Coastal Plan and the Coastal Act. She asked if there were discretionary powers upon the Council to separate those at this time, putting on an agenda to move forward. She mentioned that the City Manager has pretty much planned this. She asked if that was a possibility. She mentioned that she read the minutes of 2011 Planning Commission and was appalled because specific things were asked and there were no real specific answers, acknowledging that they could not have been answered during that meeting. She was also appalled that it wasn't followed up to tighten it up. She asked what they were talking about. She mentioned that the Planning Commission was asking for more specific data on which to determine the CIP's accuracy and consistency with the General Plan. She stated that she also read the letters regarding the Highway 1 project, Calera Creek project which was in the CIP. She read the letters from the Coastal Commission, which she felt were specific about things the DEIR and FEIR are to complete. Her question was where they were in the process of that. She stated that the Local Coastal Act said it was in the jurisdiction of the city to determine whether they want to do a joint analysis of the Calera Creek project which was the project of Caltrans but was the city's prerogative to say whether they do two together with the Local Coastal Plan determination of correctness. She stated that some of the things in the response of why it was legal to do seemed a bit beyond, which she thought was on page 65.

Asst. City Attorney Pittman stated that it was page 85.

Councilmember Digre stated that the first one was about circulation, with the first part okay but the second sentence was making a value judgment. They said in the beginning that it was not to be making a value judgment and that was one of the reasons given and she was torn by that also.

Mayor Nihart asked if she meant page 85 in the General Plan.

Councilmember Digre stated that it was page 85 in the report from the staff and attorney. She wondered if some guru could figure it out as she was on page 118.

Asst. City Attorney Pittman stated it was page 85 on the agenda packet.

Councilmember Digre asked if he had it in front of him.

Asst. City Attorney Pittman responded affirmatively.

Councilmember Digre asked him to read that.

Asst. City Attorney Pittman asked which one.

Councilmember Digre responded that it was the top one.

Asst. City Attorney Pittman then read Circulation element policy #4.

Councilmember Digre thought that the generality of the title was okay in the first sentence, but she thought the second sentence goes into too much specific which she found concerning.

Asst. City Attorney Pittman explained that the first part was the actual policy from the General Plan, having to show some analysis of why they think the project advances that particular project, with staff level assessment looking at that policy and the proposal or intent of the project. He felt, at this level, they were still not looking at the merits or the design of the project.

Councilmember Digre agreed, adding that the second sentence seems to do that. She thought she has said enough and was sure they know where she was going with the discretionary opportunities separating this out of the CIP.

Mayor Nihart asked if he answered her.

Asst. City Attorney Pittman stated that this was a legislative level policy decision. He felt the Council had discretion on how to proceed with it. He stated that, if this was different than a project level where there was some discretion on applying the rules, you have to be careful because of the rights of a project applicant here, with the applicant being the city. He stated that, if they determine it was not appropriate or not consistent with the General Plan, it could be continued for additional information to make the determination and move forward with the CIP later.

Councilmember Stone referred to appeals where the comments were about the greater policy decision of the project, and tonight he thought they were just talking about whether to uphold or deny the appeal and that was what they should focus on. He didn't see any evidence except to deny the appeal. He thought staff did a good job in presenting the information. He hoped the appellant would not think the decision would be prejudged, and they would come in and make a solid convincing presentation that this was worthwhile. He has a lot more feelings and comments about this project in general but that was not what they were talking about now. He thought they would talk about that as the City Manager lays it out if some day there was a document for them to review that was not being challenged in court and they can have a community discussion about it. He looked forward to that day. He stated that he would make a motion after Council members have made their comments.

Mayor pro Tem Ervin referred to the fact that they have a final EIR and the details are known, and she asked if they have to think about this differently about the plan in the CIP because of that final EIR.

Asst. City Attorney Pittman stated that they did not necessarily have to because the CIP was a planning level document. He stated that the example he gives is that the General Plan and CIP have a document, but they are taking a 40,000 foot look and they are not down at project level. They are looking at whether the overall plan advances any of their policies, is completely inconsistent with the General Plan, could they see a scenario when it was. He stated that, to date, the Council has not had the opportunity to weigh in on the merits or actual design of the project but, ordinarily the state is exempt from local regulation such as being exempt from the General Plan. He stated that Pacifica is a coastal community and they are subject to our Local Coastal Plan and have to apply to Pacifica for a local coastal development permit and, at that point, they will be able to address the design or other issues related to the project. To date, Pacifica has not been involved in that as it has been Caltrans' project. He thought staff has submitted comments on the environmental documentation but that was similar to comments raised by one of the commentators who addressed the impacts to sensitive biological resources. He clarified that, just because you have impacts, it doesn't mean you can't redesign a project to make it do what you need. That is something you do at the project level. He reiterated that approving a CIP is that it was on your wish list but you are not approving the project or committing to the project and are keeping yourself open to options.

Mayor Nihart stated that the largest EIR she has been involved with was when they moved from the Chamber building and went to Calera Creek and the EIR clearly stated that the No. 1 choice was the back of Fairway Park, not where they ended up building the plant. She mentioned that they had a draft EIR that could be ratified or not as it was in court, but she felt that either way it didn't mean they have a design or plan. She referred to mention of "upholstery", etc., but she hasn't seen a design at this time. She thought she has seen concept drawings but not a design, and asked if she was correct.

Asst. City Attorney Pittman stated that she was correct. He stated that, when they apply for the coastal development permit, they will have plans and, at that point, their code was pretty clear and unless they can make a finding that the project as designed is consistent with the Local Coastal Plan and the General Plan, they cannot issue the permit. He added that it was appealable to the Coastal Commission but the decision and discussion was vested with the city.

Mayor Nihart referred to the specifics mentioned in the General Plan regarding ensuring that the highway widening will enhance safety and not leave non-conforming lots, etc., which went on extensively and made sense to her. She asked if having the list on this violated any of that.

Asst. City Attorney Pittman reiterated that, if you find the CIP and the projects on it overall consistent with the General Plan, it did not commit them to a particular course of action with any given project. He stated that some of the policies raised in the General Plan were not necessarily couched in concrete terms or consistent with policies raised by the Council and commentators. He felt that, at some point, they will have to approach this. He referred to the section she mentioned and stated that it clearly shows they contemplated that at some time Caltrans would want to widen the highway and they were concerned with the impact along that area and they tried to put in provisions that would prevent that.

Mayor Nihart commented that, in that same section, it was talking about the marina in Rockaway Beach.

Councilmember Stone moved that the City Council find the 2014-2019 City of Pacifica Capital Improvement Program to be consistent with the existing General Plan and deny the May 11,

2014 appeal by Pacificans for Highway 1 Alternatives, Peter Loeb and Stan Zeavin through its counsel, Hal Bohner; seconded by Councilmember O'Neill.

Councilmember Digre asked the City Attorney if he said the Council had discretionary powers to take it out of the CIP today. She was asking to make sure she heard him correctly.

Asst. City Attorney Pittman confirmed that it was a legislative act within the discretion of the Council to proceed as is or change the CIP.

Councilmember Digre asked what doing that would say about the appeal.

Asst. City Attorney Pittman said that it didn't necessarily say anything about the appeal unless they were making a final decision on the appeal itself. He stated that you would have to address whether to continue the appeal and ask for additional information with respect to the Calera Parkway project if that was what they chose, and they could remove it from the CIP and then pending what they found, they could add it back to the CIP or permanently remove it from the CIP.

Councilmember Digre stated that, based on that discretionary power and the way it is written up, it gives the indication that decisions are already made, and she would vote against it.

Mayor Nihart asked what decisions were already made.

Councilmember Digre stated that the way it was written up, some of the statements were beyond general and made it sound like the Calera Creek project was specific and ready to go as acceptable.

Mayor Nihart asked if that was the intention in the writings.

Asst. City Attorney Pittman stated that he was discussing with the City Clerk that they have an issue with the motion which they will address, but asked that she repeat the question.

Councilmember Digre stated that the way it was written was reasonable to have it not be appealed. She stated that some of the statements generically saying it covers categories within the General Plan was livable for her, but the way it was written up it goes into more specifics as it would mitigate various aspects, etc., and she felt it was too much.

Asst. City Attorney Pittman agreed that it goes to her obligation or burden with respect to making findings to show some connection between the policy she thinks the projects was consistent with.

Councilmember Digre understood that and she felt it went too far.

Asst. City Attorney Pittman stated that the motion also needs to indicate that they will adopt the resolution that was in the packet.

Councilmember Stone understood and asked if he would like him to read the whole thing and add that or amend it to also include.

Asst. City Attorney Pittman stated to amend.

Councilmember Stone stated that he amended the motion to also include the resolution next in order; seconded by Councilmember O’Neill.

Mayor Nihart stated that she was looking to figure out whether or not having something in the CIP was inconsistent with the General Plan and she has not heard it yet. She stated that there are two words that keep coming up but past that, it goes on to describe a lot about widening and changing, etc., and she was at a loss and wished that the appellant could have been clearer about that so she could have done a better job with it.

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [4 TO 1]</b>
<b>MOVER:</b>	Len Stone, Councilmember
<b>SECONDER:</b>	Mike O’Neill, Councilmember
<b>AYES:</b>	Nihart, Ervin, Stone, O’Neill
<b>NAYS:</b>	Digre

- 7. Resolution of the City Council of the City of Pacifica Adopting the City of Pacifica 2014-2019 Capital Improvement Program  
**PROPOSED ACTION:** Adopt the resolution next in order Resolution of the City Council of the City of Pacifica Adopting the City of Pacifica 2014-2019 Capital Improvement Program.

Assoc. Engr. Donguines presented the staff report.

Councilmember Stone referred to Council having reviewed the CIP “at the 10,000 foot level” as a body, asking if it was the same document that they reviewed at that time. He could not recall who was the City Manager at that time and asked if she would be able to answer that.

City Manager Tinfow stated that she believes it was the former City Manager as she didn’t believe their goal setting session included this. She thought either Assoc. Engr. Donguines or Public Works Dir. Ocampo might be able to respond to that.

Councilmember Stone thought that was the last time they talked about this as a body.

Public Works Dir. Ocampo stated that this was the same document they looked at, but he agreed with his comment that it was at a very high level.

Mayor Nihart asked the City Manager about her mention of having priorities in the document because some of the items have been there for a long time, through her entire time on the Council, and she wondered if the document would help the public if they had more of a priority focus.

City Manager Tinfow thought it would be more helpful for the public, staff and Council if they did assign some priorities. She stated that, with Council’s direction, she would be happy to work with Public Works and come back at a future meeting with that information.

Mayor Nihart stated that she would love that, adding that she hoped it made sense to people.

Councilmember O’Neill stated that he could understand some of those things, as he thought it would be hopeless at this point that they would fund them in his lifetime. He mentioned doing the strategic plan in the school district, and he stated that every year they reviewed it and, if it

Attachment: Minutes of June 9, 2014 (1494 : Approval of Minutes)

was not in there it was forgotten, but they had an explanation. He encouraged having the priority list, but he would hate to see any projects deleted.

Mayor Nihart clarified that it was exactly what she meant. She thought it would be nice because now it was just one long thing.

Mayor pro Tem Ervin also thought it would be nice to see in the booklet, with the many different projects, the funding sources for those projects.

City Manager Tinfow thought the sheets may include funding sources.

Mayor pro Tem Ervin agreed, but many are blank.

Mayor Nihart stated that Palmetto was inaccurate.

Public Works Dir. Ocampo explained that the projects that have designated funds are filled in and those where there was no fund mentioned was because they have not found funds or it has not been designated.

Mayor Nihart asked if they have not been received.

Public Works Dir. Ocampo stated they have not been identified.

Councilmember Stone thought there were many projects on the to-do list that there was nothing on the stratosphere as to where the money is, and it looks like there was nothing there. Unfortunately there is not any identified source, and few have an identified source.

Councilmember Digre thought this was a big project, and she asked how are they going to do this, how soon do they expect it done, how much staff is available to prioritize.

City Manager Tinfow asked if she meant to prioritize the CIP.

Councilmember Digre asked if that was what she just recommended.

City Manager Tinfow explained that she just wasn't sure which project she was talking about. She stated that she would want to work with staff to determine when they would schedule it and how they would go about it. She stated that she can come back to them with a work program to explain that and what kind of staff resources it will take and when they can get it on the calendar for them.

Mayor Nihart opened the Public Hearing.

**Tom Clifford, Pacifica**, stated that his question/comment was that the pedestrian overpass which he brought before them at another meeting should have been part of this CIP for years. He stated that there were years as a Planning Commissioner when he would look at the CIP talking about replacing linoleum in the fire department. He didn't think they didn't need to be replaced, but he thought they needed to put the pedestrian overpass into the report so that it wasn't forgotten but it kept getting forgotten and didn't get the maintenance it needed. He felt, if it got into the report, it should be one of our priorities to get it taken care of.

**Peter Loeb, Pacifica**, stated that he wanted to correct the record. In the previous item, the mayor referred to a draft EIR, and he clarified that they had a final EIR which has been certified by Caltrans and that cannot be changed except by a court order requiring Caltrans to redo it. Now, that document stands. He wants to respond as specifically as he can that the General Plan calls for a frontage road and not increasing the capacity of the highway. He stated that it says a lot of other things, including a marina, but it was very clear about those two things and he didn't know if any councilmembers were here but, in the late 1980s, they went through a whole process to define a frontage road system and improvements to those intersections. He stated that they ended up with something called the 1E modified alternative but it was never implemented. He stated that his point was that they went through an enormous public process to try to get to something that was intended to be consistent with the General Plan. He says now that the final EIR clearly defines what the Calera Parkway project is. He stated that, if you look at it, it was pretty specific, down to amount of feet for a retaining wall, etc. and it increases capacity by adding lanes and it does not implement a frontage road. He stated that, if they approve the resolution they have for this item, they will be taking action that asserts that the Calera Parkway project was consistent with the General Plan.

**Hal Bohner, Pacifica**, stated, as the representative for Pacificans for Highway 1 Alternatives, that it was obvious to them that they were making a different decision now than on the appeal and he reminded them, as the City Council, besides what the Planning Commission, CIP, etc. has said, the Council has an obligation to do things that are consistent with their General Plan and not do things like public works projects that are inconsistent with the General Plan. He stated that the courts require that. He stated that, if they ask the City Attorney, he will tell them that the General Plan by some courts is considered the constitution for development in a city and a very important document that cities are required to follow. He referred to Mr. Loeb's stating that adopting the project was inconsistent with the General Plan and they cannot do that. He stated that having an approved CIP was for their mitigation fees. He felt that jeopardizing their mitigation fees by having an illegal CIP moves the burden from developers to pay fees to the individual taxpayers to pay the fees and he was sure that the taxpayers in Pacifica would not be happy with that.

**Margaret Goodall, Pacifica**, stated that Peter Loeb and Hal Bohner have stated the inconsistencies clearly and she asked that they listen to them. She stated that she wants her town to be beautiful and keep the sense that it is her town and not turned into a place like Daly City where people whiz through and not even see us.

**Leo Leon, Pacifica**, stated that he did not see how much clearer it can be. There were two letters from the Coastal Commission, a permitting authority for the Coastal Zone in Pacifica and they are telling them that the destruction of wetlands and environmentally sensitive habitat that result from the Calera project was prohibited under the Coastal Act. He reiterated that he didn't know how much clearer language can get. He stated that the second letter stated that DEIR fell short of providing all of the information necessary to evaluate the project for consistency with the city's certified local coastal program and the Coastal Act. He asked if the permitting agency cannot determine the consistency and conformance to the Coastal Act and the LCP, he asked how anyone else can make that determination. He stated that they are doing the whole process backwards, and the CDP process should have been up front. He asked why they were going through a design phase and after all the money, \$4 million, they were going to ask for a design and then ask for a CDP and they might find out that this was not what they want. He felt they would waste all that time and money by not doing what our own city ordinances compel us to do. He was really upset about the waste of time and energy. He felt we all love Pacifica and want to do the right thing but they were not doing it in the right order. He felt it will come out and

this will not stand. He thought they should be putting some effort on the CIP by having the Planning Commission work on identifying a project on Rockaway Beach. He felt we had the lowest, most ridiculous in lieu parking fees anywhere because the project identified goes back to 1978 and we haven't done anything to identify what our fees should be. With every project that comes up in Rockaway, more parking exceptions come up and he thought there were 200 or more. He asked, if they want more money, that they put money where it needs to go and not waste our time arguing back and forth on this.

Mayor Nihart closed the Public Hearing.

Councilmember Stone thought that usually the CIP is a vanilla item and they never have any controversy on it. He understood there was a lot of interest in the Calera Creek project. He knows that most of the comments were on that project in particular. He stated that they will get to addressing the project and, if this lawsuit is resolved, they can have a public process and talk about it. He was looking forward to that. As far as the CIP, he felt it was pretty standard and he was happy to make a motion when the time comes. He referred to Councilmember Digre's point about amending it, and stated that they have gone over it multiple times as a group and this project has been percolating forever. He stated that, when he first ran for Council, he didn't know about the project but he learned very quickly. He didn't think anyone ran based on support of this project but this has been going on for a long time, mentioning that a lot of Councils moved it forward, especially the previous Council, and it was close to the end of having a public discussion about it. The work is done and now just held up in court. The lawsuit was asking for the EIR to be thrown out and be redone, and that was a possibility or it could be amended. He felt that they were in the same place where they were when he was running for the Council in 2010, that being that when they get all the information, they will have a public discussion and come to a decision point. For him, at this point, he didn't think completely derailing the process was responsible. He totally respects that there are groups that do not want the project, but they have to be objective, hear all the information and make a decision. He was looking forward to having a community discussion with all the information so they can move forward. He then referred to Councilmember Digre's point on the previous item, and stated that he didn't think it would be responsible to pull it out of the CIP now. He stated that they have been telling the community for years that they are going to have this discussion. He was happy to make a motion when the time comes.

Councilmember Digre stated that she has been there the longest, and they have this CIP every year. She questions it the same way every year. She thinks there is something different today in that there was an appeal which makes things different. She thought taking it out of the CIP to separate it did not scrap the project but was more like an intent to hurry up and deal with it and determine things one way or another and get going. She thought prioritizing was a good idea mainly because it was going to force discussion on everything. Because she voted against having the Calera Creek project in the CIP, she assumed her vote would be no for this also. She disagreed with that notion.

Mayor Nihart stated that she has heard so many things brought up that really do not have much to do with the question in front of them and she wants to be clear about that. She referred to the letters about the Local Coastal Plan, and stated that none of them reference the General Plan in any form. She asked confirmation that the Local Coastal Plan and the Coastal Development Plan was a process within this.

Asst. City Attorney Pittman responded that she was correct, adding that Caltran has to submit to the local process with an application and they will look at it. He stated that another thing to point

out in reference to both those letters was that they date from 2004. Presumably the Coastal Commission commented on Caltrans' final EIR. It was likely that both those issues have been addressed or the Coastal Commission would have objected to the final EIR itself. He stated that two other things came up. There was a comment that this was a final action from the City Council, and as they pointed out earlier, this was a planning level document. The CIP is a collection and evaluation of resources leading to actions which have not yet been approved, funded or adopted. They were not looking at the merits of any of the projects. They will still have to look at the merits of the projects. He stated that this was a planning tool that they use for financial funding.

Mayor Nihart asked, to that point of pulling it out when it was clearly in something that they have to be talking about and having public meetings, whether it made sense.

Asst. City Attorney Pittman referred to whether the Council was intending on tabling it for the near future and stated that they were not the lead agency, they cannot control when Caltrans elects to go forward and submit the CDP application. The only issue it would hinder would be Pacifica's portion of the funding, assuming they want to go after grant funding.

Mayor Nihart asked if he could address the statement about mitigation fees if the General Plan was found inconsistent to something a planning level document cannot do.

Asst. City Attorney Pittman stated that they were using this for the allocation. If they were misapplying fees, that could cause problems, but our mitigation fees are set by a study that is done regularly, updated regularly, and the ensure that they are being appropriately assessed and appropriately applied and are audited when they do the revised study each time.

Mayor Nihart assumed that the study was consistent with the General Plan.

Asst. City Attorney Pittman responded affirmatively.

Councilmember Digre stated that she didn't recall any discussion of tabling the Calera Creek Parkway rather than hurrying up discussion that we were already planning for June or July. She also understood that the General Plan for any coastal city was that the Local Coastal Plan as to be within the General Plan. She thought the Local Coastal Plan takes precedence over that particular area.

Asst. City Attorney Pittman stated that the two documents have to be consistent, and one does not take precedence over the other but land within the coastal zone has to have a Local Coastal Plan that covers uses there, mostly because they are restricted by state laws as to what you can do. You then adapt or revise the land use element which is the most likely one needing to be revised in their General Plan to ensure that it was consistent with the Local Coastal Plan and any restrictions imposed on it by the Coastal Commission.

Mayor Nihart asked if they were considering the Local Coastal Plan part of the General Plan.

Asst. City Attorney Pittman responded affirmatively, adding that they have looked at the policies in both. There were policies that address the circulation issues, widening of the highway in the Coastal Plan as well as in the General Plan.

Mayor Nihart stated that they always talk about them so differently even though they know they intersect.

Councilmember O'Neill moved to adopt the resolution next in order, resolution of the City Council of the City of Pacifica adopting the City of Pacifica's 2014-2019 Capital Improvement Program; seconded by Councilmember Stone.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Mike O'Neill, Councilmember
<b>SECONDER:</b>	Len Stone, Councilmember
<b>AYES:</b>	Nihart, Ervin, Stone, O'Neill
<b>NAYS:</b>	Digre

- 8. Conduct Public Hearing and Adopt Resolution Confirming the Annual Report from the Pacifica Hotel Business Improvement District, Approving the Program of Expenditures, and Assessing the Levy for Fiscal Year 2014-15 at the Same Rates Levied in Fiscal Year 2013-14 Without Change.

**PROPOSED ACTION:** Adopt the resolution confirming the annual report of the Pacifica Hotel Business Improvement District Advisory Board and continuing the assessments levied in 2013-14 without change in Fiscal Year 2014-15.

City Clerk O'Connell presented the staff report.

Councilmember O'Neill stated that he has seen the words adopting, etc., and he asked what was meant by saying the City of Pacifica was confirming.

Asst. City Attorney Pittman explained that the reason they use the word confirming in this resolution was that they technically received and approved the annual report when they adopted the notice of intent to levy and this was just confirming the approval report and actually doing the levy. It was an extra step added by the Streets and Highways code for this process.

Mayor Nihart opened the Public Hearing.

**Therese Dyer, Pacifica**, stated that she wanted some clarification on this. She asked if this has anything to do with the TOT tax. They indicated to her that it doesn't, and she thanked them for the information.

Mayor Nihart closed the Public Hearing.

Mayor Nihart stated that they were talking about the Business Improvement District and the funds related to this were assessed on the hotel room at \$1 per night.

Councilmember Stone commented that he saw Marty Cerles, from the BID and members of the Chamber, including Courtney Conlon, who help administer the funds present. He thought they were doing a really good job with the funds and the new programs reaching out to the public. He mentioned that when he was first on the Chamber board, the funds were not as dynamic as now. He thought everything looked in order with this. He encouraged them to keep up the good work, such as bringing in travel writers, etc., to learn about Pacifica because it was a huge service to their membership and the city.

Councilmember Stone moved that they adopt the resolution confirming the annual report of the Pacifica Hotel Business Improvement District Advisory Board and continuing the assessment levied in 2013-2014 without change in fiscal year 2014-2015; seconded by Mayor pro Tem Ervin.

Attachment: Minutes of June 9, 2014 (1494 : Approval of Minutes)

Mayor Nihart echoed what Councilmember Stone has said, thanking them in all the effort in terms of marketing the city. She felt it has been noticeably different and very concerted and she appreciated that.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Len Stone, Councilmember
<b>SECONDER:</b>	Karen Ervin, Mayor pro Tem
<b>AYES:</b>	Nihart, Ervin, Digre, Stone, O'Neill

### **COUNCIL COMMUNICATIONS**

Councilmember Digre mentioned that Economic Development Committee meets the following night at 6:00. One thing they were working on was In Pacifica, with more ideas. She stated that the VFW and American Legion were sponsoring a Welcome Home to all our troops on Saturday, Surf Spot, at noon. They were also collecting items. She asked that, if they know any military personnel, they invite them and their families.

Councilmember Stone stated that they had the ambulance JPA meeting and they approved the budget with everything in order. They were improving the system a lot, but he will be looking at the service of Pacifica in the way that the ambulance rotates here. He stated that it came to their attention that, when someone gets a call on the Half Moon Bay coast, the ambulance will transport someone from Half Moon Bay to Stanford and our ambulance will cover the coastside, but no one comes and covers Pacifica which concerns him. He is looking to figure out how and why that is, but it came up on his "radar" and he was reporting to Council because they may hear more about it and he wants to plant a seed for the future.

Mayor pro Tem Ervin stated that she attended the Beautification Committee with the Mayor and it was substantial. They talked about some of the projects they would like to address during the summer, as well as talking about the idea of having a Mayor's beautification project of enhancing the landscaping in front of her house and getting the public involved. They were going to form a subcommittee to get it going. She also attended an AUW meeting where Jackie Speier was supposed to speak but she had a family emergency so her press secretary came and spoke about trafficking in the area and other issues that were important. She stated that they had their interviews for open space.

Councilmember O'Neill stated that he was a ghost at the Castle and he attended the library JPA meeting earlier today and they passed the annual budget for the libraries.

Mayor Nihart stated that in the interest of time, she was focusing on just two things. She will be meeting with Supervisor Horsley, and members of the County Behavioral Health, and talking about issues in terms of mental health needs and how to address them. She was bringing forward a set of training DVDs that have been used in another city for these purposes. She would also be asking for a stakeholders meeting to bring in some of the resources since they discovered many services available over the hill and not here, and she would be lobbying for additional resources in Pacifica, along with Half Moon Bay Mayor Mueller. She also mentioned that she will be absent from the next meeting because she will be at a national conference as part of the institute of excellence for psychopharmacology as a nurse practitioner.

### **ORAL COMMUNICATIONS**

**Roger Meddler, Pacifica**, stated he was speaking on the police report, restraining order and a conspiracy. He stated that it was information for the public for what transpired and his

constitutional rights. He explained that a restraining order was made against him by the party for speaking out at the City Council. He stated that they were trying to take his freedom of speech from him at mediation, in an attorney's letter and now with a restraining order. He stated that the restraining order has to do with shutting him up. He stated that he has no criminal record and his collection of guns were ordered to be confiscated and sold or stored for three years and stay away from the party in question and his family up to 1000 yards. He stated that the CEO of the Chamber of Commerce lied on the stand because he asked her about one of the Board members, and now he has to stay away from the CEO Chamber of Commerce. He stated that Mayor pro Tem Ervin took his comment out of context and he asked for her help and she testified against him in court. He then stated that the Mayor added to the fire by stating that she saw guns in his living room when she came over in 2009 and he stated that was a lie because he never had a gun rack in his garage or in his studio. He stated that she has done nothing to help him. He stated that he contacted Jerry Hill's office for help. He then presented Jerry Hill's letter to Mayor pro Tem Ervin and she gave it to the City Manager. He felt this whole conspiracy was recorded without his permission and he was never read his rights or arrested but he had to turn over his guns and stay 1,000 yards from the person in question. He stated that he has sat in his home for 30 years and he has done nothing for him. He stated that with 40,000 people in the city, Therese Dyer has been the only one who has helped him. He suggested that the Council step down and let Ms. Dyer take their place. He stated that the police report stating he was a terrorist was sent to the DA Steve Wagstaff. He stated that they would not let Therese Dyer testify in court. He stated that he is bothering nobody but Mayor pro Tem Ervin turned him in to look like a criminal. He has never threatened or bothered anyone. He asked if they were going to burn his house down, adding that they already tried that.

**Therese Dyer, Pacifica**, stated that, after appearing in court and listening to the testimony of Karen Ervin and Chamber of Commerce CEO, she was appalled that the City Councilmember, with the lack of knowledge of the city codes ordinances and contracts, would subject herself to a potential lawsuit. She pointed out that the Pacifica Directory, pages 186 and 187, specifically states that an establishment needs a license or permit, she thought it would be a good idea to have all the businesses list their license numbers so people know which are legitimate and which are not. She could not believe that the City Manager would believe hearsay when they all have copies of the violations and lack of certificate of occupancy. She also referred to Mayor Nihart having 40 years experience in the mental health department and working with veteran's at the VA, she doubts her credibility. She didn't solve the problem in 2009 and she asked what right she had to go to someone's house and look at their furnishings. She didn't have any guns but she didn't want her looking at what is on her walls. She stated that it was stated in the police report. She stated that they were welcome to send this to Steve Wagstaff and tell him hello because she knows him. She stated that, if they can make a police report like this for a threat, she wants to know why he didn't investigate a threat against her and other police reports that were expunged. She stated that no one said it better than Mr. Underhill in the Tribune when he said that the Chamber of Commerce was nothing but a private club and she didn't want any funds to go to a private club. They were not a non-profit even though she lied in court and said they were, when in the minutes, she said they were profit-making.

**Courtney Conlon, Pacifica**, stated that she was the CEO of the Pacifica Chamber of Commerce and she was present to talk about the wonderful community event at Nick's Restaurant. She thanked Council and the senior staff who came to the event. She thanked Nick's restaurant, its owners and staff for making it seamless. She stated that it was an opportunity to showcase our restaurants in Pacifica and she also thanked all the restaurants for the samples for the event then going back and having their diners open, mentioning many of the establishments involved. She also thanked their sponsors, as these events are important to

help the Chamber to continue the work they do as a membership driven organization in providing 21<sup>st</sup> century products and services to help their Chamber businesses grow and flourish and promote the community which helps every business benefit. She thanked them for the comments earlier about appreciating and recognizing their efforts. She also thanked Chris Porter for chairing the event. She also thanked those taking care of the reservation. She then referred to her comment at a previous meeting that they will definitely be “rolling the top off their tank” because we were in this together and they want to help Pacifica collect at least the highest revenue generator. She stated that, if they can control people getting their gas in Pacifica, they will be proud to roll out that campaign.

**Tom Clifford**, referred to the process at the previous meeting when staff gave their reports followed by questions from Council. He stated that he had questions for the fire chief and there wasn't any opportunity for the public to ask questions. He hoped they would include that in their process going forward.

Mayor Nihart called for a two-minute break then reconvened the meeting.

### **CONSIDERATION**

**9. Budget Information for Fiscal Year 2014-2015**

**PROPOSED ACTION:** Receive final direction from Council and bring back for adoption at the June 23, 2014 City Council meeting.

City Manager Tinfow presented the staff report, following introduction of her staff. Then each staff member gave an expanded staff report specific to their individual departments.

City Manager Tinfow stated that, based on the reports, everyone can see that the city was in the black. She stated that, for each of the revenue funds, there were strings attached to the money which was why they can't mix it together. She stated that seeing funds in the red was not unusual and not unusual to spend money knowing they are going to get reimbursed from other sources, not unusual to make interfund loans, referring to the one she recommended between the wastewater fund and the General Fund for the pension obligation payments. She explained that what was necessary to make those things work is a replenishment plan or repayment plan. She stated that she was coming back to them in the first quarter of next year to talk about how they replay and replenish those key funds that show the \$4 million deficit that she mentioned, Funds 38, 26 and 22. She then asked for questions on this portion, and stated that they would follow with the Capital Budget and fee increases then final questions.

Mayor pro Tem Ervin stated that she would start with the General Fund and the loan for the RDA. She mentioned that they kept the \$2.5 million which they didn't expect to be reimbursed. She asked if they were going to continue seeing that \$2.5 million or can they assume it is better to leave it out.

City Manager Tinfow stated that, at the next meeting of the Oversight Committee which she thought was in September, perhaps they can focus some attention on this and make a determination for what they think is realistic. If they decide it is not realistic to continue to carry, Council can take action to write it off.

Mayor pro Tem Ervin asked if we have information as to whether other cities have been paid back when this has happened.

City Manager Tinfow stated that she didn't have information on any city that has been successful. She thought there were a number who were still hopeful that they are going to get something.

Mayor pro Tem Ervin asked Public Works Dir. Ocampo about the disaster accounting fund, mentioning that they were significantly in the red, and they continue to have emergency repairs needing to be addressed. She knows they get grants and funding from various entities, but Pacifica has to come up with a certain amount of funding, and she asked if there was a ballpark percentage of the money needed from the city.

Public Works Dir. Ocampo stated that it depended on the disaster declared. If it was federally declared, the federal government comes up with 75% and state or CalEMA covers 75% of the remaining 25%. If it was a state declared emergency, similar to what happened at Esplanade, the state will only cover 75% and the city will have to come up with the remaining 25%.

Mayor pro Tem Ervin thought it was safe to say we should probably have funds in the fund in order to prepare for any type of emergencies we may have.

Public Works Dir. Ocampo would leave it to Council, but others can consider their reserve as the money they will set aside because they don't always want to have disasters coming your way.

Mayor pro Tem Ervin referred to the supplemental law enforcement services fund, and asked if the Chief anticipated the funding to continue or did he consider these one-time funds. She thought it looked like it would be considerably less by the end of 2015.

Police Chief Tasa stated that he was continuing the fund because he believes the funds will continue as he has not heard anything to tell him otherwise. He stated that they have been getting the funds for many years, mentioning 2009 when they encumbered the funds for 3-4 years to pay for the records management system which was almost a \$400,000 project. He stated that, now that it was paid, that was how they ended up with their starting balance of about \$194,000 from the 2012-2013 year. He stated that this year, they were anticipating another \$100,000 and they have already received approximately \$70,000. As they close out this fiscal year, he anticipates getting the remaining \$30,000, and they have not heard anything to the contrary and anticipate getting the \$100,000. He explained that it wasn't typical to have a balance in the account, but some of their projects are larger costing and they will let the account roll over to accumulate the state funding to pay for the project instead of using city funds for it.

Mayor pro Tem Ervin assumed it was sustainable now.

Police Chief Tasa stated that it was his best guess that it was.

Mayor pro Tem Ervin referred to Fund 24, the housing in lieu fund, assuming that it was from Harmony One in lieu of doing affordable housing.

Planning Director White responded affirmatively.

Mayor pro Tem Ervin assumed we didn't have any idea about how they were going to spend the funds, and she asked if it would be appropriate to discuss in terms of what we can spend the funds on and how to create affordable housing.

Planning Director White stated that, up to this point, we didn't have any funds and there wasn't anything to discuss, but typically he has been associated with cities that have a program that specifies how the funds are going to be used or a menu of ways of how they can be used to support non-profit efforts to acquire land that might assist in establishing affordable housing. He stated that they haven't discussed this recently but, when they had an interim City Manager, they did discuss the idea of coming back with a housing program to discuss at a study session. He stated that it wasn't clear how it was going to happen, but he agreed it was something they should discuss.

Police Chief Tasa stated that he wanted to interject one thought for the Council to understand. He stated that with SLESA funding and the expenditures lined up, none of the expenditures will be made until the money is actually received. He referred to the question of whether we can anticipate the funding for 2014-2015, he believed that they were going to get the funding, however, with how expenditures aligned, they will not make those expenditures until they have the money in the city. It comes in monthly, and once they accumulate enough money, then they will make the expenditure related to that.

Mayor pro Tem Ervin appreciated that information, adding that she thought it was important going forward with what they have seen in the past. She then referred to the street construction fund, stating that she wanted to be sure she understood it. She stated that we gave a loan to the general capital improvement fund and that fund needs to pay the loan back. She asked if they knew where the money that was loaned was spent.

Public Works Dir. Ocampo stated that it was done in 2003, and November 10 was the staff report.

Mayor pro Tem Ervin asked what year he mentioned.

Public Works Dir. Ocampo reiterated that it was in 2003, and the date of the meeting was November 10, 2003. He stated that the staff report did not mention it, but it was presented by his predecessor; however there was no listing of projects that were going to be funded by that.

City Manager Tinfow added that they were showing a deficit number. She needed to address it and made the loan. She stated that there was no explanation for what projects it was designed to cover but was clearly for expenses that had accrued prior to 2003.

Mayor pro Tem Ervin was glad it was discovered and were on their way to paying it back.

Councilmember O'Neill referred to mention of paying \$114,000 for a video surveillance project, and asked if it was a grant. He asked if it was a video like they see on "cop" shows with a picture of a drunk.

Police Chief Tasa stated that, with the in car video program, they have a video camera recording in each of the patrol vehicles and they are old and reaching their life expectancy. This was a good opportunity with the funding available to replace the units with updated current technology.

Councilmember O'Neill asked if it was a grant.

Police Chief Tasa stated that it was not a grant but state funding to the cities to be used specifically for frontline law enforcement, personnel, equipment and programs.

Councilmember O'Neill concluded that it was not our money but state money.

Police Chief Tasa confirmed that not a dime of it was ours.

Councilmember O'Neill referred to the parking in lieu fees and asked if it was possible to have a study session on both parking in lieu fees and the affordable housing in lieu.

Planning Director White stated that he was sure it was possible.

Councilmember O'Neill stated that he was concerned because he has heard from several people that, to build a parking space is now \$30,000 and they were only getting \$10,000 from each of the developers per space.

Planning Director White stated that we were actually only getting \$3,000.

Councilmember O'Neill thought it was \$10,000 so it is worse than he thought it was.

Planning Director White added that each of them may be the subject for a study session by themselves. He would consider the housing in lieu fees was worthy of a separate study session. There were similarities in terms of how they collect the fee but the topics are different.

City Manager Tinfow reminded him that they actually asked for a study session on affordable housing and the Planning Director's staff will be putting that together this summer or early fall.

Councilmember O'Neill had a question for Attachment 7, the parking enterprise fund. He asked if she wanted questions now or later.

City Manager Tinfow suggested that it be brought up later.

Mayor Nihart referred to Frontierland remediation, and stated that it was originally funded out of what they would charge Recology because it was the old dumpsite. She asked if she was correct.

Public Works Dir. Ocampo responded affirmatively.

Mayor Nihart referred to using those, with no more source of those funds, and she asked if we ever have to do methane gas recapture or anything like that in that location.

Public Works Dir. Ocampo stated that they went through and have monitorium wells and they have been clear. Part of the project was to pave the parking lot so that the permeable surface will now be the drainage structure once you pave it, and it goes in toward the storm drain system and you reduce the amount of water that can seep into the ground. He stated that the present parking lot was not paved at all and when rain falls, it saturates the ground, adding water.

Mayor Nihart understood, adding that she was following all that but wasn't sure she trusted it. She stated they were told that was why they were collecting the money if they had to do something in the future.

Public Works Dir. Ocampo stated that would help address any improvements in the park.

Mayor Nihart then referred to Pedro Point and asked if they were planning on doing all the mains up there. She was thinking of the nightmare of the street in coordinating drainage and everything else that doesn't exist on Pedro Point as they cut into the streets. She asked if they have allowed enough for that.

WWTP Superintendent Cosgrove Stated that was the engineering of that project. He stated that, as they get closer to when it goes out to bid, they will look at it closer. He stated that you have to remember that a lot of the sewer system on Pedro Point was not under the street but behind homes. He thought there would be less cutting into the street as you would normally have on a regular street.

Mayor Nihart commented that it would be through people's yards and fences, etc.

WWTP Superintendent Cosgrove agreed there were other issues. He stated that it was a fairly common sewer replacement project.

Mayor Nihart referred to doing the history, and that was one of the last septic systems and was a very old system. She was glad they were doing that. She then referred to mention that the Colt property would replace some of the park in lieu fund, and she asked if that was what he was talking about or was it the one in the park.

Public Works Dir. Ocampo stated that the purchase of the property was taken from this fund. It was supposed to be 100% grant funded and we were supposed to collect. We were unable to get the reimbursement because it was supposed to be ...

Mayor Nihart concluded that it was until we got the other piece of property.

Public Works Dir. Ocampo responded affirmatively.

Councilmember Digre asked if they were able to do something with the pump in the Council chamber's building.

WWTP Asst. Supt. Cosgrove stated wastewater.

Councilmember Digre thought she had heard that they couldn't do anything with the pump in that building.

WWTP Asst. Supt. Cosgrove stated that they replaced a sewage pump the last fiscal year and they have plans to replace pump and motor at the Linda Mar pump station but not at the Council chamber.

Councilmember Digre stated that there was a definite odor and we were trying to sell this area.

WWTP Asst. Supt. Cosgrove stated that there are a few issues with what they call the Sharp Park pump station. The generator is very old and they need to replace it in a few years. For the

pump themselves, they have replaced one, and they will replace another in a couple of years. They have a plan to replace the pumps. They have an odor control system at the pump station that they do not operate now, and the idea would be that, when they look to sell the property, they are going to do some upgrades to the odor control system and those were some of things they were looking at pertaining to this station over the next 5-10 years.

Mayor Nihart thought it should be sooner. They get a lot when they are pushing the sewer from the north down.

Councilmember O'Neill asked why they have to wait to sell the property before they get rid of a smell at this end of town. He thought the citizens were entitled to the best they can get and he questioned why they are waiting to turn on the odor control until they sell the place.

WWTP Asst. Supt. Cosgrove stated that his best answer was that they do not get a lot of odor complaints from the residents or many at all from the area. He stated that he grew up a couple of blocks from the area, and he thought it might be that they get acclimated to the odor. He stated that it was an expensive system to get running. He stated that they were talking about an increase in chemicals that they would have to start bringing in and using. He felt it was difficult to get it going right away.

Councilmember O'Neill felt there was a certain basic level of service the city should provide with sewage being one of them and treated the best we can get it. He stated that they were paying taxes and a sewer fund and he felt they were entitled to breath deeply. He stated that, even if it takes a lot to get it started, but they identified it and to wait was like someone who was selling their house who fix the foundation, etc., just before that. He urged them to make it a higher priority since he didn't think the residents deserved to put up with that.

City Manager Tinfow suggested that he do some research about the number of complaints he has gotten about the smells and share it with her, then she can pass it on to the Council. She stated that she was going quickly because it was so late. She stated that this was a list of all the projects that were included as part of the capital budget, and to talk about what they plan to do next year. She stated that most of them are wastewater projects with only four General Fund projects on the list. She stated that there are descriptions in the packet which will be part of the final budget document as well. She stated that, unless they had any comments, she was happy to go on to the next slide.

Mayor Nihart thought they have to say something about Palmetto at some point.

City Manager Tinfow stated that Palmetto was not on the list. It was one of the project that she learned about when she first arrived and she had been under the impression that they were moving forward to do the first phase of the streetscape improvements. In looking at the other funds' financial status, she discovered that there is no funding currently available for what they would characterize as the first phase. She was still working with Public Works to figure out what they could do, but it was her understanding that they were not prepared now to go forward with the expectations that were set. She hoped to return to them at some point with different news, but that was where they stand now and why there is no project with Palmetto in the name.

Councilmember Stone asked how much the total project was for Palmetto.

City Manager Tinfow stated that she would have to defer to Van Ocampo.

Public Works Dir. Ocampo stated that, for the first phase, it was \$2.6 million.

Councilmember Stone asked if any of it was paid for already.

Public Works Dir. Ocampo stated that it wasn't, adding that they only did the design for about \$120,000.

Councilmember Stone mentioned that, in previous conversations, the Mayor had mentioned that there was money set aside for that. He thought there was \$2 million set aside.

Mayor Nihart stated that there was \$2 million taken out of a refinance and set aside. She hasn't bothered to go back through all the minutes, but she will because she knows it was talked about long before she was on Council. She stated that it was the \$2 million set up to do this building when they talked about it being City Hall. She wasn't going to say it but she thought they might as well do it. She stated that none of the "cast" had anything to do with that. She stated it was with Van Ocampo's predecessor and it was in the minutes at some point in time. She knows it was because it was taken out and set aside. She stated that there were pieces used out of it, and it was referred to. She stated that it was about \$1.5 million when all was said and done, and they were supposed to be adding \$1 million from CCAG to that from the BPAC. She felt this was a blow.

City Manager Tinfow thought she remembered Mayor Nihart saying 2006 was approximately when she remembered something happening.

Mayor Nihart thought it could have been before that, but she remembered very clearly that it was for the Chamber building's remodel originally.

City Manager Tinfow stated that they were still assembling the history and they will continue to look.

Mayor Nihart thought it was the hardest part for her and she commends what she was doing, and she also commends the piece of it that was important, which she said that everything will have a plan and connection so that it isn't lost once again. She felt it was hugely disappointing.

City Manager Tinfow stated that she would go on to the fee increases, and presented that part of the staff report.

Mayor Nihart stated that they needed to do one other item, as she thought they would be going past 11:00 p.m., so she needed a motion.

Councilmember Stone so moved; seconded by Mayor pro Tem Erwin.

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City Manager Tinfow appreciated their patience. She knew it was a long night and they were sharing a lot of information with them. She again asked if they had any questions.

Councilmember Stone asked if this included the beach parking.

City Manager Tinfow responded affirmatively.

Councilmember Stone stated that he wanted to mention something, but he knew it was late and they can “chew” on this for the next go-around. He wanted to get the Council’s thought. He stated that he missed the last meeting, but he asked if the recommendation for the beach parking was still \$4 and \$8.

City Manager Tinfow responded affirmatively.

Councilmember Stone asked if it was \$4 for four hours.

City Manager Tinfow stated for four hours or less, and then \$8 for eight hours or less and then the annual fee would go up from \$50 per year to \$65 per year.

Councilmember Stone stated that, when it was originally being established, the city was interested in doing a special rate for locals. He mentioned that golf courses have a resident reduced rate, however, the Coastal Commission wouldn’t allow that with their permit and that was scrapped. He thought it would be great to tailor that as much as they can to local people. He thought locals tended to buy the pass more, such as frequent surfers who live outside the area. He stated he did a little research and he would like to propose doing a flat rate instead of a \$4 and \$8, such as a flat rate for \$5 for an eight-hour<sup>2</sup> period and not raise the pass by \$15, just a modest increase to \$55. He stated that, doing the calculations on that and the numbers hold with the amount of passes, it would raise \$47,240 more if his numbers are correct. He stated that, if Council was interested in it, that might be good. He stated that there were still 30-minute parking spaces, for those who don’t use the beach often. It was a little impact of \$1. He stated that, for locals, it was a better thing than the \$15 increase. He would love to see that at the next session.

City Manager Tinfow stated that, at the next session, they were hoping to bring them a complete budget, so if they would like to change direction, she would like to hear that at this meeting. She acknowledged that she was putting staff on the spot but she asked if they could do some calculations as they went through the questions, and they can do some confirmation. She stated that, even if there was a net change to the revenue, they could report that and make a determination as to whether they would like to move forward. She asked staff if they could do that.

Public Works Dir. Ocampo asked clarification that he was saying there should be one fee of \$5 or \$5 for the first four hours and \$10.

Councilmember Stone stated that he was thinking of \$5 for an eight hour period. He stated that the higher amount of \$8 was for an eight-hour period.

Public Works Dir. Ocampo stated that now it was \$6 and it was being proposed at \$8.

Councilmember Stone asked confirmation that it was for an eight-hour period.

Public Works Dir. Ocampo stated that it was eight hours or a full day. He stated that, even if they are there for 12 hours, they would still get charged \$8.

Councilmember Stone didn’t know that caveat, but he was operating under \$5 for an eight-hour period but that complicates his math a little bit. He was guessing that there were not many people who stay past three hours. He would propose all day, and asked him to do the math based on that and see what it looks like.

City Manager Tinfow stated that PB&R Dir. Perez did some calculations.

PB&R Dir. Perez stated that, if they don't increase it by \$15 they will probably lose about \$1,300 on the annual passes. Instead of increasing by \$5, they would get about \$6,500 more than they would this year, and if they increase it by \$15, it's about \$19,500 which was in their proposal.

Councilmember Stone asked him to repeat the explanation.

PB&R Dir. Perez stated that the pass was \$50 now, and if they increase it by \$5 and they sell about the same amount, they will make \$6,500 more this year. If they increase it by \$15, it will be \$19,500.

Councilmember Stone asked if he calculated the math on raising it to \$5. He stated that the numbers he got from staff in the past was \$65,000 if they just change to \$5 for the day.

Public Works Dir. Ocampo stated that, if they changed it to \$5 and \$10, instead of \$4 and \$8, that was about \$62,500.

Councilmember Stone concluded that the numbers he got had the \$10 for the eight hours. He didn't think \$10 for eight hours makes sense so he scrapped his idea.

City Manager Tinfow asked Council's direction related to funding for the Chamber of Commerce, Pacifica Resource Center, Pacifica Beach Coalition and the Library JPA for extra hours. She refreshed their memory on past funding, and asked for direction on how they would like to proceed.

Mayor Nihart asked if she put the four questions so people know about them, because she has four cards and need to go to the public and then she suggests they talk about each one and give her direction.

City Manager Tinfow asked if she wanted her to show the others now so the audience has them.

Mayor Nihart responded affirmatively.

City Manager Tinfow stated that basically it was whether they move forward with the loan between the Wastewater Treatment Plant facility construction fund and general fund, with an attachment recapping what they have already seen. The third question was whether they should move forward to put together the parking enterprise fund that they have discussed for the past few meetings, asking if they approve all the fee increases and the changes, and any other direction.

Councilmember O'Neill stated that on #7, unless he was missing it, he didn't see any charge for rangers. He thought they were being paid for out of the beach parking.

City Manager Tinfow stated that they were and on the screen under personnel was where they find those and they were detailed, but she let staff comment.

Public Works Dir. Ocampo stated that the rangers were listed under personnel and it also includes the one-third police officer.

Councilmember O'Neill stated that, on the sheet they got, he didn't see personnel, although he did see the third police officer. He didn't see anything about the rangers. He then stated that he didn't realize that they were under Public Works.

Public Works Dir. Ocampo stated that the rangers belong to the Department of Public Works.

Mayor Nihart opened public comments.

**Tom Clifford, Pacifica**, stated that he was not happy with the internal borrowing, so he won't beat it to death because he thought, in all likelihood, that was what they were going to do. He strongly suggested that they go to 0% interest on it in terms of paying it back to the enterprise fund or as close as they can get. His reasoning was that, in the first year, they are going to have to come up with \$6,200 out of the General Fund. He stated that they will and have been agonizing over whether they can fund \$3,000 to the Beach Coalition. He stated that the other NGO monies are an issue for them, and the next year they will also be an issue if they continue to fund them. He stated that, if they go to zero in terms of paying it back to the enterprise fund, they are not paying that 1% and they will have the extra \$6,000 to work with the next year. He acknowledged that it wasn't a great deal of money but, in year three, they are starting to talk about \$22,000. He was disturbed that they had the \$2 million loan which no one really knows anything about. He didn't know where it went, what the terms were, etc., and he was sure the City Manager would figure it out. He then complimented the City Manager, stating that she has done a great job and was working hard to get Pacifica where we need to be. He referred to the fees, and asked that they reconsider the appeal fee when appealing to Council on decisions made elsewhere. He stated that it was set at \$100 a long time ago, and he suggested that they reset it at what \$100 is now, so they are not beating everyone up but making them pay what everyone used to pay.

**Jim Fithian, Linda Mar**, stated that years ago, they went on an extended family vacation in a country to the south. While they enjoyed the warm water and family time, they could not get away from litter. He stated that no one picked it up and shrugged it off. He stated that they spent thousands to be there and they decided not to go back ever again to what could have been a beautiful coastal town. For them, the ocean was their economy. He then stated that they were recently in Tahoe, noting a festival celebrating their first adopt a beach cleanup on the South Shore, adding that Pacifica has been hosting adopt a beach events for about 15 years. He stated that the talk at the festival was that the casinos were no longer the economy and they decided to focus on the lake. He mentioned that trash was a big deal on the beach. No one likes it, hate it, cringe at it, etc., but he stated that we have to get it out. He stated they want a new generation that cannot fathom trashing our beaches, and it was coming, mentioning the different activities working in that direction. He then stated that they need the City Council to validate it for the kids and businesses so that they are doing it as a town. He stated that those in Tahoe are beginning to see that we have to nurture our economy. He hoped Mexico sees the light, and felt Tahoe has finally seen the light, adding that we have seen it in Pacifica for many years. He stated that they need the Council to stay with the Beach Coalition and find a way to do it together.

**John Keener, Linda Mar**, stated that the sewer tax was increased by City Council the previous year, specifically the flow increased netting about \$800,000 and then the tax increase starts July 1 at 2.8% this year, 5.9% next year and 10.4% the next year. He stated that now Pacifica proposes to borrow from the sewer fund to pay off pension obligation bonds for policeman and fireman. He asked if the sewer tax increase was really necessary or was it to serve as a fund to borrow from for other departments. He asked how the citizens would know. He then referred to

the pension obligation bonds, stating that there was one more for non-safety personnel which was a big one at \$11 million with \$12 million in interest over 20 years. He thought, it was a flat rate loan, and the interest would be 8.5%. He felt that was rather high and he would like to know why. He then mentioned police pensions, stating that the portion of the police pensions paid by the city increased from 27% plus to 36% in 5-6 years. He again felt that seemed high and he would like to know why.

**Robin Crawford, Pacifica**, stated that he was a member of the Advisory Board of the Pacifica Resource Center and was speaking in favor of funding the Center. He mentioned that it was clear that a lot of creative thought was going into the budget and everyone wants to do everything possible to use the city money wisely. He referred to cutting the Resource Center and stated that \$83,000 would be a largely symbolic gesture in view of the overall needs of the city and the pressure on it. He added that it would be a real cut in the budget for the Resource Center, coming to about 1/5 of its annual budget. He stated that it would be a real cut for the 1/10 people in Pacifica who received food distributions from the Pacifica Resource Center and it would be a real cut for the 200 families in this city who were prevented from becoming homeless. He stated that the Pacifica Resource Center uses every dime very well with a paid staff of 4.5 people and 200 volunteers. He stated that the center stretches the dollars in incredible ways, with the money representing a leverage that the city has for this work that was important in two ways, as the Resource Center depends on grants, and showing that the City supports the Center was important in connection of the grant research and proposals. He stated that the money contributes directly to the payment of staff and staff time. He stated that many grants require staff time to fulfill the obligations of the grant. If the time is cut, it has a multiplying effect on the loss of resources and opportunities for the people in need. He thanked them for considering the Resource Center.

Mayor Nihart closed public comments.

Mayor Nihart suggested that they take the questions in order. She had a suggestion on how they can fund these things, and she has commitments for more than \$3,000 to fund the Pacifica Beach Coalition, and they were working on another alternative with the County for the Resource Center. She stated that each of those was if the ERAF does not come in and, referring to tearing up Palmetto, she was thinking that they need to move ahead and look at the ERAF money which was one time money. She was loathe to use one time money, which was happening everywhere. She stated if they have an ERAF, one way or another, the items get funded. Even without the ERAF, they would have a backup. She suggested that to Council as a possibility to consider.

Mayor pro Tem Ervin asked if the possibility was utilizing the ERAF while they have the ERAF.

Mayor Nihart agreed, adding that they then figure out long term solutions.

Mayor pro Tem Ervin asked if they were specifically talking about the Resource Center and the Beach Coalition.

Councilmember Digre thought it sounded good.

Councilmember Stone thanked staff for the report. He stated that they have been trying to clean up the finances for a couple of years, and half of him was relieved that they have an idea of what is going on, even if not all the pieces, but the major blocks of how things are shaping up. The other half was feeling almost worse because he sees the \$4 million number. He knew that

digging deep to fix the problems, they could find out things that they didn't like. When he looks at \$4 million over their head, he felt it was a serious amount of money. He referred to the fact that there was no plan yet, understanding that, but he imagined that this will be significant in dealing with this. He asked if they had any idea at all of what they were looking at. He was aware that the Council unanimously voted that we were in a fiscal emergency months ago and he felt it looks worse than when they did that. He asked for help to get an idea of what they have to deal with going forward in the future.

City Manager Tinfow stated that the \$4 million mentioned at this meeting were the deficits in three of the funds and are significant. She stated that the good news was that they didn't have a solution today, but they have to figure out how they are going to take care of this over the next couple of years. She stated that it will take a combination of sources from different funds, mentioning that she had highlighted a few earlier in the meeting, ERAF being one of them. They were lucky that they have built the operating budget without relying on ERAF which was the first time they have done that in probably five years. She mentioned that they were aware of plenty of other needs we have, even if we didn't have \$4 million in deficits, that we could use the money. She stated that was a source to help fill in some of the holes, as well as looking at ongoing revenues that they may be able to rechannel if they end up having the surplus they are projecting. She stated that was as prepared as she can be now.

Councilmember Stone concluded that, with a number like that, they were looking at a multi-year solution. He thought she could say with certainty that it will not be fixed next year.

City Manager Tinfow stated that they don't have \$4 million coming in that she knows about now.

Councilmember Stone refers to the frustration of wanting to fix the problem so they can move forward and be proactive in trying to change our situation. He thought the only way they are really going to change the situation was by investing our money in things that are going to be revenue generating in the future. He stated that they have Beach Blvd. going on now which was great. He thought that could generate a half million in taxes which was wonderful. He stated that they unfortunately found out that the money they thought was set aside for Palmetto's rehab was not there, which he agreed was a big blow. He stated that it was worse than he thought it was going to be, and its worse than he thought it was the past few years. He referred to how he handles his finances and his client's, and stated the he felt they needed to dedicate everything to getting out of the hole by paying off debt to right the ship and then come back when in a better situation. When they were talking about the budget, they told the Resource Center not to count on the money because it was not solid. He stated that all the NGOs are excellent organizations or they wouldn't have been funded in the first place, such as the library. His feeling is that, if this was his finances or he was giving someone advice, he would say they have to fix themselves. He stated that \$171,000 didn't seem like a lot of money, but over two years it was \$342,000 and then another year adds up. He thought the city has to try to fix its financial health and then move forward, which he felt meant not funding any of them. He thought that was a hard decision. He felt it was easy to throw ERAF out there, and it felt good to fund the organizations they care about, but he was focused on wanting to not fund these. He stated that someone mentioned that they were talking about these every year, and it was exhausting for the groups, Council, staff and everyone who depends on it. He felt they need to take the money, as other cities do, and invest it in things that will potentially make them more money in the future. He felt that was the only way they were going to change the fortunes or it will be the same conversation every year. He thought they should invest every dollar they can into bettering their situation, whether \$1,000, etc., because that will make the difference in the long run. He stated that was where he was coming from as far as the budget goes. He

thought he may be the only one on the Council who thinks that way or was the only one willing to do that, but he felt it was the right thing to do. He stated that it was not a reflection on any of the groups. It was about trying to change the fortunes of Pacifica, because they want it to be better and not in a perpetual state of mediocrity.

Councilmember O'Neill referred to the mayor saying that she had arranged more than the \$3,000 for the Beach Coalition.

Mayor Nihart stated that she had commitments for that.

Councilmember O'Neill stated that they were going to write a check and ERAF was a backup, or if ERAF doesn't come in they will back that up.

Mayor Nihart responded affirmatively.

Councilmember O'Neill reiterated that, if ERAF does not come in, they will back that up. He stated that he has only been through this once, the previous year, but he stated that, in watching the city budget over the years, he felt it seemed like the movie, Ground Hog Day, every year starting in March, the budget cycle starts and they have the same four groups on the chopping block. They run through it again and again, rhetorically asking because ERAF was not recommended by the County to be used for operating expenses. He mentioned that most cities take the ERAF money from the previous year and put it in the present year's budget. He stated that, if he remembers correctly, last year they were told in January that they were going to get \$1.3 million and in March they got a check for \$1.6 million. He stated that they were discontinuing the cycle of dependence on it. He has no problem funding the Resource Center, but the others, such as library hours, he was sad to have to cut, as well as all the other stuff. He felt, at some point, he agrees with Councilmember Stone that they have to break the cycle of Ground Hog Day. He stated that they have a big hole to dig out of, asking if they are going to borrow the ERAF fund in order to make the ongoing payments.

Councilmember Digre stated that she kept in touch with the City Manager, who everyone felt was bringing a great perspective and help to the city's finances. She stated that the ERAF was still a good thing. She hasn't changed her point of view. She sees things differently. She didn't see providing help to the Resource Center and Beach Coalition work as digging oneself out of a hole. She actually felt that their work keeps us out of a huge hole that we would end up having to pay, as well as have people in pain. She felt the library didn't seem to be desperate but it goes against the grain to think of cutting the library because that was free education and it was the lifeblood of our nation. She mentioned that the chamber was a for-profit organization, and they did excellent work, but she would rather put that off for a while. She advocated the community aspect of being in it together, but she didn't see that they need it as much as they are saving the city a great deal.

Mayor pro Tem Ervin thanked the City Manager who has brought much needed clarity to the budget with her overview. She felt it was complete, accurate and a level of interpretation she hasn't had until now. She acknowledges that it was bad news and she felt that they have hit the bottom and were on their up. She felt they were going to be okay with her leading the way. She appreciated it, as well as everyone there and giving them the overview which was greatly appreciated. She felt that preserving funding for the non-governmental agencies was always a high priority of hers and continues to be so. She was concerned that, with their budget deficit of \$4 million and expenditures that keep rising, they were facing an unsurmountable obstacle and she didn't know when it was going to stop. However, having said that, she was very concerned about being penny wise and pound foolish. She stated that they have all talked about the power

of the investment and she strongly believes that, with the Pacifica Resource Center, they get more than they give back. She is aware that it was a lot of money, but she felt they get more than they give back, and she asked about crime rates, hunger, homelessness. She stated that all of those things could cost our policemen a great deal as well as our city, and she strongly feels that it is a social and fiscal investment in our community that we cannot afford not to provide. She also feels the same about \$2,000 for the Beach Coalition. She knows it was frustrating, but she feels that is the amount of money that Public Works doesn't have to spend to clean the beaches. She knows Public Works helps the Beach Coalition but the volunteers clean our city and protect us from potential lawsuits and she felt that was worth more than the \$3,000. She agrees that it is horrible because we don't have the money and are facing a horrible budget deficit that they have to address. She stated that, while they have the opportunity with the ERAF funding, she was supportive of using it while we can. She knows our community wants it, and she never hears anyone from the public telling them not to support the Resource Center and Beach Coalition. She knows the visitor's center is providing a great investment in our city. She thanked them, but she was not quite as convinced that it was absolutely necessary for the welfare of the city, even though she still goes back to the penny wise and pound foolish thinking and they have to be very careful about the cuts they make. She feels strongly in supporting the Beach Coalition and the Resource Center because she thinks it is an economic incentive for the city and provides for the city in the way the community wants them to provide. She assumed that they were not commenting on anything else.

Mayor Nihart stated that she was correct. She threw that out there for some food for thought. She tends to approach these things in a fairly pragmatic way. She didn't disagree with anything that was said, except for the fact that it isn't quite Ground Hog Day. She stated that it moves around, because they have looked at the police and many different cuts, referring to the open contracts with all of their units at this time. She stated when she was first on the Council, they had a \$32 million projected budget, and it was the last time it has been that high. She states that they have cut every year that she has been on the Council. She stated that the last year was the first time they had a completely balanced budget followed by balancing it again. She stated that it gets harder when they have gone to the public four times, and the only help that happened was the transient occupancy tax. She stated that they have done every possible alternative, mentioning that her first year on the Council they did the sales tax. She understands where Councilmember Stone was coming from, but that was why the pragmatic part of her has to find alternative sources. She was committed to the fact and pleased that Anita Rees got up at the last Council meeting and talked about the County having funded the Resource Center in the past and pulled out. The city then stepped in because they found it was vital. She was serious with the devastation that she feels about how removed they are from County Services in the social arena. She stated that it is the second richest county in the state and she didn't understand how this happens, but that was what she was talking to Supervisor Horsley about. She stated that there were a wealth of programs over the hill that don't make it over here. She wants to see that change and that was what she was looking at in terms of the Resource Center. She stated that, like most cities, they weren't involved in social services. They did other things to enrich the fabric of the city. She endorsed the idea that we should have other things that support the vitality of the community that makes us alive but she was back to the idea that you have to save yourself. She appreciated all of them, but she has to say that the City Manager has been exactly what they needed and wanted. She stated that they sensed it. She mentioned that people think Council knows everything, but they know what staff tells them and have to ask and find out what's there. She thinks everyone on Council knew they were getting numbers in a complex way that made it hard to answer these questions. She feels grateful that the City Manager was digging through the process and coming up with some of the actual information, even though she doesn't like it, stating that \$4 million and Palmetto, etc.,

makes her sick. She felt they were moving in the right direction. She wants to stop having to look at something to cut every single year. She has alternatives for the Beach Coalition and, if they don't fund them, it will go directly. She stated that she finally got the message when it wasn't about the money but the collaboration and was a priority for the city. She wanted to stress that it was a priority in the city no matter what they choose to do. She really wants to make sure that piece is covered, which it will be, one way or another. They will continue to support and endorse Earth Day, etc., and they will find where the nexus is to keep having that happen. She stated that she was going to continue to work on the Resource Center. She stated that was the best she could do at this point. She asked the City Manager if she needed a vote.

City Manager Tinfow stated that she did need a motion and vote.

Councilmember O'Neill thanked the City Manager for the clarity of numbers. He stated that her presentation during her interview was one of the strong reasons to hire her, as well as the fact that she is continuing with that. He suggested that they take each one as a straw poll rather than one motion for everything, as he has heard different thoughts on different items.

Mayor pro Tem Ervin moved to utilize ERAF funding for the Resource Center and the Beach Coalition, while it remains coming in; seconded by Councilmember Digre.

Councilmember Stone stated that he will vote no but it was not because of the validity of the groups, but simply the financial aspect. He didn't think the city could afford to do these things. He totally disagreed with spending one-time money on ongoing expenses. He felt that was part of the reasoning that got the city into this. He did respect his colleagues' opinions. He reiterated that it was not a reflection on the groups but a reflection of where he thinks the city's financial situation was and he felt they needed to get healthy.

Mayor Nihart stated that she was going to continue working on the alternative funding, with or without the ERAF. She feels that they have to have that.

Mayor pro Tem Erwin agreed.

Mayor Nihart stated that was the backup.

4-1

Mayor Nihart stated that the next step was whether the staff should move forward with including the interfund loan between Fund 34. She appreciated the concern about the issue in other arenas of borrowing but the reason those funds that have been borrowed are so confusing was because they were all really one thing. They weren't exactly like the enterprise fund which has to be treated like a separate business. She stated that they were spending 6% to a bank and she would much rather give that money to ourselves, even if it was 1% or 2%. She felt they should give it back. She was willing to do that.

Councilmember Stone asked about the interest rate. He understood that they were required to pay interest.

City Manager Tinfow stated that she didn't know if they were required to pay interest or not, but she had not seen a loan like this without paying interest. She stated that the 1% was more than the funds are getting currently in LAIF, Local Agency Investment Fund, but if they wanted

them to match the LAIF rate, she was happy to do that. She stated that the 1% was a little bit more.

Interim Admin. Serv. Dir. Carmichael stated that the LAIF rate was currently .05%.

Councilmember Stone stated that it was very generous but he asked why the 1% as opposed to that rate.

City Manager Tinfow stated that, in her past history, Councils have wanted to provide more, so she rounded up. She stated that she was happy to round down.

Councilmember Stone stated that they usually borrow or lend at a bit of a premium.

Mayor Nihart stated that LAIF was more conservative than the County fund, which was the other alternative where CCAG has their money. She stated that they keep it kind of balanced.

Interim Admin. Serv. Dir. Carmichael stated that they were pretty close to being the same. One month LAIF will be a little higher, then the next month CCAG will be higher.

Mayor Nihart concluded that no one was getting real rich off of this stuff.

Admin. Serv. Dir. Carmichael stated nobody was above 1% right now.

Councilmember O'Neill stated that we were borrowing this to make the monthly payments, but we were not paying until the year 2017 which was when the bond obligation for police was paid off and then 2019 was when the fire was being paid off. He asked if we were using the money to make the annual payment.

City Manager Tinfow clarified that it was an annual payment. They were going to borrow money the first three years and then pay it back the last four years of the seven-year loan. They will stay on the payment schedule that the bonds were issued, and they will be paid off on the same schedule. They will be using the other money to help augment the General Fund.

Councilmember O'Neill agreed, stating that we were lowering our payment and evening out the cash flow. He assumed we do not have the option with the way the bonds were issued to take pay them off and then pay 1%.

City Manager Tinfow stated that they did not have that option.

Councilmember O'Neill thought that was the case, but he wanted to make sure he was clear on that.

Councilmember Stone asked if they should say they approved the loan pension obligation payments.

City Manager Tinfow suggested that they approve the interfund loan to the General Fund.

Councilmember Stone moved that they approve the interfund loan to the General Fund; seconded by Councilmember O'Neill.

Mayor pro Tem Ervin asked if they had any interest in reducing the interest rate slightly. She stated that she had no problem, asking how much that would save the city. She was fine paying the ongoing interest rate it currently receives if it was not adjustable.

Mayor Nihart asked if she needed a motion. She thought 1% was better than LAIF and that was better than the funds were making now.

City Manager Tinfow agreed, adding that if they reduced it to match LAIF then the General Fund would actually be spending a little bit less. She stated that it would make her very happy if they would like to do that and be fair to the wastewater fund.

Councilmember Stone amended his motion that they approve the plan but at the same interest rate it is getting now; seconded by Councilmember O'Neill.

5-0

Mayor Nihart asked what they thought about establishing a parking enterprise fund.

Councilmember O'Neill so moved; seconded by Mayor pro Tem Ervin.

5-0

Mayor Nihart asked about fee increases.

Councilmember O'Neill so moved; seconded by Mayor pro Tem Ervin.

5-0

Mayor Nihart referred to the request for additional direction, and stated that she hoped they go back to the point of having more public input. She stated that, in the past they have a study session or so, but she appreciated the mess she was cleaning up, etc., and she felt Steve Carmichael has been a huge help. She stated that all the department heads have all the pieces and they will make it happen.

City Manager Tinfow appreciated all the accolades and recognition that they have given to her, but she has to share it with the department heads and the City Clerk, as well as Michelle. She stated that everyone has worked together and going in the same direction which was huge and she appreciated all of them.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Karen Ervin, Mayor pro Tem
<b>SECONDER:</b>	Sue Digre, Councilmember
<b>AYES:</b>	Nihart, Ervin, Digre, O'Neill
<b>NAYS:</b>	Stone

- 10. Adoption of an Ordinance Entitled "An Ordinance of the City Council of the City of Pacifica Amending Article1, Sections 02, 04, 05, 06 & 08 to Title 5, Chapter 16 of the Pacifica Municipal Code Concerning Intrusion Detection and Robbery Alarm Systems"  
**PROPOSED ACTION:** 1) Move that the ordinance entitled "An Ordinance of the City Council of the City of Pacifica Amending Article 1, Sections 02, 04, 05, 06, & 08 to Title 5, Chapter 16 of the Pacifica Municipal Code Concerning Intrusion Detection and

Attachment: Minutes of June 9, 2014 (1494 : Approval of Minutes)

Robbery Alarm Systems" be read by title only and that further reading be waived; 2) Move introduction of the ordinance.

Councilmember Stone moved that they continue this item to a date certain; Mayor pro Tem Ervin.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>
<b>MOVER:</b>	Len Stone, Councilmember
<b>SECONDER:</b>	Karen Ervin, Mayor pro Tem
<b>AYES:</b>	Nihart, Ervin, Digre, Stone, O'Neill

11. Appointments to Parks, Beaches & Recreation Commission and the Open Space and Parkland Advisory Committee

**PROPOSED ACTION:** 1) Move to appoint two citizens to the Parks, Beaches & Recreation Commission. 2) Move to appoint two citizens to the Open Space and Parkland Advisory Committee.

City Clerk O'Connell presented the staff report.

Mayor pro Tem Ervin moved to approve Cindy Abbott and Deidre Finnegan for Park, Beach & Recreation Commission application and George Frank and Jim Cordeiro for the Open Space and Parkland Advisory Committee application; seconded by Councilmember Digre.

Mayor Nihart stated that these were people for reappointment who drew the short straw for only a year. She concurred. She stated that it was a great discussion.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Karen Ervin, Mayor pro Tem
<b>SECONDER:</b>	Sue Digre, Councilmember
<b>AYES:</b>	Nihart, Ervin, Digre, Stone, O'Neill

### ADJOURN

Mayor Nihart adjourned the meeting at 11:47 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED:

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Mary Ann Nihart, Mayor