



**CITY OF PACIFICA
CITY COUNCIL MINUTES**

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

Mayor Sue Digre
Mayor Pro Tem Mike O'Neill
Councilmember Karen Ervin
Councilmember Mary Ann Nihart
Councilmember John Keener

February 08, 2016 (MONDAY)
www.cityofpacifica.org

Mayor Sue Digre called the meeting to order on February 8, 2016 at 7:00 PM

6:00 P.M. CLOSED SESSION.

Mayor Digre called the meeting to order at 6:00 p.m., stating that all councilmembers were present and announced that the Council would meet in Closed Session. City Attorney Kenyon announced the business to be discussed.

PURSUANT TO GOVERNMENT CODE SECTION 54956.8 Conference with real property negotiator. Discussions concerns price and terms of payment. Agency negotiator: Mike Perez. Property: 2100 Beach Blvd. Pacifica. Negotiating parties: City of Pacifica and Paul and Amy Kukielka.

PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2) Conference with Legal Counsel - Anticipated Litigation - Significant exposure to litigation (One case).

7:00 PM OPEN SESSION

Call to Order

Mayor Digre reconvened the meeting at 7:02 p.m.

Attendee Name	Title	Status	Arrived
Sue Digre	Mayor	Present	
Mike O'Neill	Mayor Pro Tem	Present	
Karen Ervin	Councilmember	Present	
Mary Ann Nihart	Councilmember	Present	
John Keener	Councilmember	Present	

Staff Present: Lorie Tinfow, City Manager; Michelle Kenyon, City Attorney; Matthew Visick, Asst. City Attorney; Lorenzo Hines, Asst. City Manager; Van Ocampo, Public Works Director; Tina Wehrmeister, Planning Director; Ryan Marquez, Assoc. Civil Engineer; Christian Murdock, Assoc. Planner; Dan Steidle, Police Chief; Rich Johnson, Deputy Fire Chief; Mike Perez, PB&R Director; Ed Vandehey, MIS Manager; Kathy O'Connell, City Clerk.

Salute to the Flag led by Councilmember Ervin

Closed Session Report

City Attorney Kenyon stated that there was nothing to report.

SPECIAL PRESENTATIONS

Proclamation - Pacifica Park Volunteer Award

Mayor Digre read a proclamation honoring Carolyn Panko for receipt of the Pacifica Park Volunteer Award.

Carolyn Panko expressed her appreciation for the award but stated that she was thrilled to live so close to the park with its diversity and felt that it inspired people to care about the environment. She mentioned several other volunteers who have worked with her to bring speakers into Pacifica for their programs. She then expressed appreciation for several volunteers who work on the trails.

Mayor Digre suggested that families consider going to the programs, where they see and hear about various creatures, adding that it was like being in the wilderness. She asked when they have speakers.

Ms. Panko stated that speakers are at various times and you have to check the Tribune and flyers in the libraries and the park. She mentioned that they have “creepy critters” coming from Wildlife Associates in late March.

Mayor Digre again encouraged families to attend.

Ms. Panko said that “flowers of San Pedro Valley Park” will be the upcoming presentation on Saturday at 3 p.m.

CONSENT CALENDAR

Councilmember Nihart stated that she wanted to make sure that they pull Item #6 for a brief staff report. She stated that it was a new ordinance and the county would like them to go on record as having talked about it.

Mayor Digre asked confirmation from the City Attorney that Item #6 would be addressed immediately following the Consent Calendar.

Councilmember Keener stated that he would like to pull Item #5 for questions.

Mayor pro Tem O’Neill mentioned that they had a card for Item #5.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Ann Nihart, Councilmember
SECONDER:	Karen Ervin, Councilmember
AYES:	Digre, O’Neill, Ervin, Nihart, Keener

1. Approval of Disbursements for 01/21/16 through 01/28/16
PROPOSED ACTION: Move to approve attached list of disbursements for 01/21/16 through 01/28/16.

2. Approval of Minutes
PROPOSED ACTION: move to approve the minutes of the regular City Council meeting held on January 25, 2016.

3. Proclamation Confirming Existence of Local Emergency Storm Drainage at 380 and 400 Esplanade
PROPOSED ACTION: Accept current photos as of February 3, 2016 (Attachment 1) and move to continue proclamation confirming the existence of local emergency.

4. Notice of Completion for the 2010 CalEMA 380 Esplanade Lateral Drain Construction Project and Parking Lot Restoration Project
PROPOSED ACTION: Adopt the resolutions next in order, a Resolution of the City Council of the City of Pacifica accepting completion and directing the City Manager to file Notice of Completion for the 2010 CalEMA 380 Esplanade Lateral Drain Construction Project (Attachment 1), and a Resolution of the City Council of the City of Pacifica (Attachment 2) accepting completion and directing the City Manager to file Notice of Completion for the Parking Lot Restoration Project (Attachment 3).

5. Introduction of an Ordinance Repealing Existing Chapter 19 and Enacting New Chapter 19 (Massage Businesses) to Title 5, Public Welfare, Morals and Conduct, of the Pacifica Municipal Code
PROPOSED ACTION: Introduce and waive first reading of an ordinance entitled "An Ordinance of The City Council of the City of Pacifica Repealing Existing Chapter 19 and Enacting New Chapter 19 (Massage Businesses) To Title 5, Public Welfare, Morals and Conduct, of the Pacifica Municipal Code, Relating to the Regulation of Massage Businesses; and adopt a resolution amending the City of Pacifica Master Fee Schedule to reflect changes to fees related to massage therapy permits.

City Manager Tinfow stated that, when they reformatted the agenda and an item is pulled off Consent, they don't have a full staff report as they are not always prepared for that. She added that Chief Steidle was prepared but for the Peninsula Clean Energy item, staff would be happy to answer any questions, but she wanted to clarify that they aren't ready with a full staff report.

Police Chief Steidle stated that he was prepared to do the full staff report.

Councilmember Keener stated that he only had one question and they had one speaker from the audience. He suggested that they just do that.

Police Chief Steidle agreed.

Councilmember Keener stated that they received a letter from a Pacifica resident, who was a California state certified therapist and was concerned that out call massages in a person's home for the elderly or disabled would be outlawed by this new ordinance. He asked Police Chief Steidle to address that.

Police Chief Steidle stated that, under the new ordinance, it would be outlawed. He stated that there is a difference in the definition of out call between the ordinance that currently exists which described out call somewhat as a transient type business with a therapist that roams around and provides services in different places. He stated that the new ordinance describes out call as a place of fixed business going out and providing massage services at locations other than their fixed business where they have a city registration permit.

Councilmember Keener asked confirmation that such a service would be outlawed.

Police Chief Steidle confirmed that it would be outlawed as currently written.

Councilmember Keener stated that it would be outlawed under the new ordinance.

Mayor pro Tem O'Neill asked him to clarify. He concluded that, if they have a business license in a fixed business address in Pacifica, they will be prohibited, illegal to go to someone's house.

Police Chief Steidle responded affirmatively.

Mayor pro Tem O'Neill asked why that was the case.

Police Chief Steidle stated that the idea behind prohibiting out call massage had to do with the prostitution and anti-human trafficking ordinance. He stated that the whole new ordinance was aligned with what they were doing in the county to work on the problem of prostitution and human trafficking. He explained that the idea behind prohibiting it, they can control it better. He stated that there was a difference between the existing ordinance and new ordinance. He stated that, if they are operating at a fixed business, they can expect to know what was going on in those businesses but with out call work it was more difficult to do that. He stated that, if it was something Council was concerned about it, as the new definition in the proposed new ordinance was different than the current ordinance and a little easier to manage.

Councilmember Nihart stated that she worked hard on the ordinance to begin with, explaining that part of the reason for clarifying the ordinance the way they did was that certification from the state came into effect, and that was what they required. She understood the issues of human trafficking and was very concerned about that, but she felt they were making a very arbitrary decision that wasn't really necessarily valid and she was concerned about that on what basis they made that decision, as a lot of legitimate, certified massage therapists go into people's homes and she needs to have more data or rationale for that.

Police Chief Steidle acknowledged that she made a good point. He stated that the current ordinance as it stands now, doesn't necessarily require that you have a fixed place of business. He stated that you can be certified as an out call massage therapist and not have a business in town and can operate out of your home. He stated that the way the new ordinance defines out call is that you have a fixed business in town where you have a city registration. As it is written now, you cannot perform out call. He stated that, if Council desires to entertain the idea of allowing the out call, they would still be able to manage that very well, as long as they have a fixed place of business and were a legitimate business.

Councilmember Nihart asked what if they come from out of town.

Police Chief Steidle asked if she was referring to a massage therapist who had a fixed business outside of town and wanted to come into Pacifica to provide their services within the town.

Councilmember Nihart mentioned that they have done it for about 20 years.

Police Chief Steidle thought that was something they could work with, adding if they could verify that they were a legitimate fixed business.

Councilmember Nihart stated that they get insurance reimbursement. She stated that she was thinking about all the people Councilmember Keener mentioned, such as coming to seniors in their homes, people who are dying, for palliative care. She didn't realize that was getting changed, and she was glad Councilmember Keener pulled it.

Police Chief Steidle stated that the idea behind the ordinance was not to penalize those who are doing the right thing. He stated that the majority of massage therapists are doing exactly what they are supposed to do and perform a legitimate service and beneficial to the community. He stated that the small handful that creep up once in a while which he has had to deal with during his career, with the quality of life issues criminal activity that occurs when you don't keep a handle on it. He explained that the idea behind prohibiting the out call was to keep a better handle on it, but he thought there was a way they could work around it and would be able to allow the out call, if Council desires that, as long as they can establish that they are real and have a real business.

City Manager Tinfow stated that anybody doing business in Pacifica is required to get a business license and, even those providing the out call services would be required to register with the city and tell them what their "brick and mortar" location is. She stated that was a way of giving the police something to go on.

Councilmember Nihart asked confirmation that every single in home health agency has a license in Pacifica.

City Manager Tinfow reiterated that anyone doing business in Pacifica was required to have a business license. She stated that, if it was a contractor whose address is in San Bruno, but they are in Pacifica doing work, they are required to get a business license. She stated that she couldn't say that everyone who works in Pacifica was getting a license, but there was a requirement that they do that. She added that it was a mechanism that could fit to give the police the certification or connection to demonstrate that they are a legitimate business.

Police Chief Steidle didn't know if these type of professions fall into what she was talking about, but the exemptions under the ordinance, mentioning many in the health field, such as chiropractors, as well as individuals such as barbers, were not required to have massage therapy certification in the city. He stated that it was for the practitioner to educate himself solely for massage.

Mayor Digre asked what kind verification they had for that legitimacy.

Police Chief Steidle asked if she was referring to the exemptions, that was written in state law.

Councilmember Keener read from the proposed ordinance in their packet, 5-19.12, then stated that it basically covers the situation that their correspondence who is a state certified massage therapist was concerned about. He stated that it sounds like no exceptions to him.

Police Chief Steidle stated that, as currently written, he was correct.

Mayor pro Tem O'Neill thought they were starting to get into possible deliberations and should probably open the public comment.

Mayor Digre opened public comments.

Lisa Mann, Pacifica, stated that she has been a massage therapist for more than 20 years in Pacifica, working lawfully the whole time. She stated that it was not unusual for a massage therapist to create a very important therapeutic relationship. She has worked with people for 15-20 years and during that time, they get sick, die, and it was the most important part of her therapeutic relationship with them when she can go to their homes when on hospice, go to Daly City and work at Aegis, hospitals, rehab facilities, and she needs to be able to do that lawfully. If they say she cannot do that anymore and she goes anyway, her malpractice insurance doesn't work, adding that, while she has never needed it, she has it in case she does. She stated that it was the most critical time in a relationship with a client. They spend years building the therapeutic relationship, and then they will be told they can't go when their client was dying or had an amputation, etc. She stated that this doesn't work for her.

Tygarjaz Bigstyk, Pacifica, stated that he once interviewed for an in home supportive services position with a quadriplegic and, since he wasn't able to move himself at all, part of his interview process was finding out that he was comfortable doing a certain kind of massage for him, such as rubbing his legs to facilitate blood flow and reduce pain. He thought that, with this law, he would be very nervous about doing something that he would not be getting any background for it, but just being able to help the person to feel better. He stated that he would now have to look over his shoulder to wonder if he could care for someone properly. He also mentioned that he has a friend who has diabetes, is overweight and lost a portion of his foot. He stated that it was very difficult for him to move around. Walking is hard and he has a masseuse who comes to him so he doesn't have to go out and have the added pain. He felt this would make it illegal for him, and that doesn't sit well with him.

Gabby Poecia, Pacifica, stated that she was a massage therapist and a big benefit of the job was being flexible and if this was the case, it would be redefining what the job is. She stated that you will have to rent space if you want to work in Pacifica, and she thought it was very different from what a lot of massage therapists do. She stated that this was changing the definition of the job.

Barbara Miles, Pacifica, stated that she was listening to the compassionate speech by the last two people, and she wondered if there was a way to give these particular massage therapists a separate type of business license or a rider or amendment on their business license that would facilitate them being legal.

Mayor Digre closed public comments.

Councilmember Nihart stated that they spent a lot of time with massage therapists in town. She stated that one of her problems is that the fact that there are elicited situations even when they have places of business. She stated that she can attest to the vital importance of the service of going into people's homes. She stated that both the recipients and practitioners want that option, explaining that it was part of what makes that business so accessible for people with arthritis and other problems or even dying. She felt that, to limit or restrict that to stop the elicited, brought her back to the same place she was in before. She thought they got it honed out and

she was surprised. She thought this was a tune up of state law and didn't catch that. She was glad that they caught that, adding that she would not vote for it as it stands.

Councilmember Ervin stated that one thing resonates with her was that she feels they are punishing the wrong group of people. She stated that there are plenty of people who aren't comfortable going to a spa and are more comfortable in their own homes, some with a variety of disabilities but others just prefer to be in the comfort of their home. She felt they were throwing the baby out with the bathwater with this and she would be supportive of trying to tweak it in such a way that this element is removed from the new ordinance so they won't be stopped from doing in home treatment. She asked how common this was in other cities.

Police Chief Steidle stated that the ordinance as currently written has been passed by a handful of San Mateo County cities already.

Councilmember Ervin understood the importance of the issue of sex trafficking and doing what we can to help the women who are victims of sex trafficking, but she questioned whether this would address the problem and might hurt people instead.

Mayor pro Tem O'Neill stated that he agreed with everything that has been said and he could not vote for this ordinance as it stands. He asked if the massage therapists can use their home as a place of business for the business license.

Police Chief Steidle stated at it stands now, yes.

Councilmember Keener stated that summary report for this item says provide direction to revise the ordinance prior to adoption, and he felt they have. He thought they should revise it and bring it back to the Council.

Mayor pro Tem O'Neill thought they need to somehow change that out call massage is prohibited. He didn't know how, but he didn't think they could "wordsmith" it at this time.

Councilmember Nihart asked if they need to change the ordinance at all.

Mayor pro Tem O'Neill stated that he was referring to the new ordinance.

Councilmember Nihart asked if they need to have a new ordinance.

City Manager Tinfow asked Police Chief Steidle to highlight the differences in the new one compared to the current one, and if there was something else besides the out call that would change.

Police Chief Steidle stated that one of the differences in the change was that the current ordinance was a two-tier ordinance. You don't have to be a massage therapist certified by the California Massage Therapy Council and, in this day and age, it was a big deal, but in the proposed ordinance you do have to have that certification. He stated that was the major difference between the two ordinances, explaining that the requirements have become so complex that the state needed an organization to help oversee that and tell them which schools are good or are fly by night or not good at all. He stated that, as the ordinance stands, if someone comes to them with the appropriate number of hours but not California Massage Therapy Council certified, the onus was on the city to figure out which schools are good.

Councilmember Nihart agreed that made sense, but she stressed that the original ordinance went through a lot of vetting before it came to the Council, taking a long time to work it out in the community. She thought everyone would agree to the certification, but she would hate to do that without actually bringing the licensed business community together again.

City Attorney Kenyon stated that she sees two options. One that she got from the majority of Council was that they might want to reconsider whether they want to prohibit out call massage at all. For that option, they should ask staff to remove that from the ordinance, by introducing it at this meeting and bring it back for a second reading. She stated that staff would like to revise the language to better address staff's issue with out call massage, while trying to understand what the Council's direction with regard to banning all out call massage establishments. If that were the direction, she recommend that they not introduce the ordinance, send it back to staff and they come up with language that could try to address staff's concerns as well as Council's concerns and bring it back to them to introduce it once again.

Councilmember Nihart stated that something that has always bothered her, both from the original ordinance and bothers her at this time, and that is that they take yet another legitimate business and marginalize it by our language. She stated that the certification makes it in home health services and puts them in the category that is something often reimbursed by insurance and is actually part of what they do in health. She thought that ordinances often get written for what they don't want and it bothers her . She would like them to think about how to protect the legitimate business owners who provide a valuable service.

Mayor Digre asked if that was a motion.

Councilmember Nihart stated that there was no need for a motion and was just giving staff direction.

Mayor pro Tem O'Neill stated that he had asked if they were allowed to use their house for their business license and the response was that they were allowed under the present ordinance. He asked if the new ordinance changed that.

Police Chief Steidle responded that it did not.

Councilmember Keener thought that the main thrust of the new ordinance under consideration was to favor the state certified schools. He asked if there were any other aspects that are important, relative to the old ordinance.

Police Chief Steidle stated that there were. He stated that there were some operating conditions put in to keep the criminal element away from the city such as they can only operate between 7:00 a.m. and 11:00 p.m., they can only have 10% of their front windows covered, being that the community and police can see inside, and it was forbidden for someone being allowed to live in the business to deal with the anti-human trafficking portion, explaining that they have people living inside the back of the business.

Commissioner Keener stated that he could go either way, either a minor modification or a major modification.

Mayor pro Tem O'Neill referred to the question about using their house as a place of business but he just said that they can't have more than 10% of their windows covered and no one can live in the business.

Police Chief Steidle stated that was for a brick and mortar business.

Mayor pro Tem O'Neill asked about the regulations for a house, mentioning an elevated rancher where downstairs is their office area.

Police Chief Steidle stated that it was completely different. He stated that the idea behind the commercial portion was to keep the store front open where they can see inside.

Mayor pro Tem O'Neill stated that he would vote to have staff come back with an ordinance change.

Mayor Digre asked if it was clear to everyone. She thought it sounded like a business they want to keep but they want to close the door to anything that is not.

City Attorney Kenyon asked confirmation that they want to take the second option of asking staff to work with the language and address staff's concerns as well as the Council's policy concerns with out call massage establishments.

Mayor Digre concluded that was correct.

Councilmember Nihart had one more thing, because this was where she got confused in reading the ordinance. If they are going to make certification mandatory as part of it, she did not have a problem with that, but they keep talking about people who are not certified. She asked why they were talking about people who were not certified. She suggested that they could make a not certified prostitution ordinance instead. She added that she hates it when the two are put together, as it is something they have suffered under for a very long time, and she feels adamant about that. She stated that, if they have an opportunity to separate them, she would like to see them separate the legitimate businesses and the issues of prostitution and human trafficking which was illegal in many ways.

Mayor Digre asked if it was acceptable to the attorney.

City Attorney Kenyon stated that, what she was hearing was that Council was directing staff to revisit more than just the out call massage establishment issue. If that is correct, she has direction. She asked Chief Steidle if he had direction.

Police Chief Steidle stated that when she was talking about those who are certified and those who aren't, he wanted to be sure they were on the same page. He stated that, under the proposed ordinance, everyone must be certified.

Councilmember Nihart stated that she was reading the proposed ordinance where they are talking about people who are not certified going through all the background checks. She asked why that was in there.

Police Chief Steidle stated that it was a good point. He clarified that someone who would go through a background check would be an operator or owner of the business that is not a therapist, but owning the business and employing the therapist. He stated that they need to make sure that these people don't have certain convictions for pimping, prostitution, etc. which would preclude them from having this type of business in town. He added that, if you had an owner/operator or either the sole proprietor and the only employee, or an owner/operator who

was also performing massage therapy with other employees and they were certified by the Massage Therapy Council, there would be no background check as it was done within the process of obtaining their certification through the Massage Therapy Council.

City Attorney Kenyon added that this ordinance or one similar has been adopted and discussed by a lot of cities in the county if not all of them, and the primary items except for the out call massage are trying to address illicit sex trafficking. She hears them trying to separate out valid from invalid massage therapists but the reality was that most of the provisions are addressing enforcement of and assisting the police in enforcement of illicit sex trafficking. She believes that they will be able to come back with a revision more specifically tailored towards on-call out call massage services.

Mayor Digre thought she was hearing two things. One was that they want to focus in and not allow any illicit thing to happen. The other is to support those who go through the proper channels and are doing a good job. She didn't want to lose either one of them.

City Attorney Kenyon stated that, depending upon their final direction, she was trying to explain that everything in the ordinance was going to be difficult for staff to address Councilmember Nihart's issues except for out call without impacting enforcement of the real gist of the ordinance was to address illegal sex trafficking. She believes that they can address both the Council's concerns and staff's concerns with regard to out call but with regard to Councilmember Nihart's concern about overall addressing certified versus non-certified and trying to create two different paths for two different massage therapists, she didn't think that was possible.

Councilmember Nihart stated that she wanted them to know that when they keep talking about out call and use words like that, they continue this sort of supposition that, if you are a massage therapist, you're not legitimate. She stated that there are very legitimate health reasons for massage, acupuncture, etc., that fall into this category and are very healing. She stated that this is a burden this group of people have carried the entire time. She wished they were sensitive to that and she didn't believe that in home services are necessarily an automatic to prostitution because, frankly they are not.

City Manager Tinfow stated that she was hearing her saying to look at language they are using and, where possible, use language that is not pejorative, and call it in home massage therapy versus out call massage therapy. She asked if she was on target, adding that they can then look at that and bring it back to them.

Councilmember Nihart agreed and thanked her.

Councilmember Keener stated that, if the main point was to be able to provide enforcement against people who are not licensed, he asked why they don't make that the centerpiece and in addition to the ordinance they already have. It would get rid of the out call prohibition or in home prohibition.

City Manager Tinfow stated that she felt they have direction and can come back with something that will better match what they would like to adopt.

6. Introduction Ordinance to Adopt the Peninsula Clean Energy Program
PROPOSED ACTION: Approve actions associated with the implementation of the Peninsula Clean Energy Program.

Councilmember Nihart stated that they didn't need a full presentation, because they just want to talk about it.

City Manager Tinfow asked if they have questions for staff or need anything from them.

Councilmember Nihart stated that she was asked by one of the county supervisor to pull this item so that Council could talk about it since it was an ordinance. She stated that it is first reading and will come back later, but they have had a presentation, been supportive, were one of the first cities to be supportive. She thought it was straightforward, but she thought it was a great opportunity to give to the citizens to give them a choice.

Councilmember Ervin thought this was a great opportunity for Pacifica and it was one of the fastest ways to reduce our carbon footprint and meet our environmental goals set for the city and continue to thrive in that area. She was grateful for the work of our representatives who are giving our city the opportunity to make choices for our energy and planet.

Councilmember Keener agreed with everything said. He stated that, if they approve it, they will join the Joint Powers with other cities in the county to form Peninsula Clean Energy who will provide the energy but PG&E will still transmit the energy and do the billing, and you will have at least three opt out notices and get their energy from PG&E as in the past.

Councilmember Nihart move approval of this proposal; seconded by Councilmember Keener.

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ORAL COMMUNICATIONS

Anita Rees, Pacifica Resource Center, stated that she had a few updates. She stated that they have been working with all the residents of 310 Esplanade, along with the city and Congresswoman Speiers' office to coordinate services, including housing. She stated they were providing tax services on Wednesdays and Saturdays. She stated that they were starting to plan for the back to school program in the fall and will begin enrollment in June and distribute in early August.

Ron Maykel, Pacifica, thanked Council for the appointment to the Open Space Committee. He stated that he did miss the meeting with the presentation by Mr. Zentner on the quarry wetlands restoration. He also thanked the City Clerk for working with him on the proclamation and congratulated the Council on their appointments. He then mentioned talking to the Humane Society members at the parking area at the entrance to the wastewater treatment plant who explained that they were returning a coyote that had gotten injured in the parking lot. He did wonder why they would return it to a situation where it could get hurt again, but he was mentioning it to call attention to the number of times that animals are getting hurt.

Lynn Adams, Pacifica, thanked Council for their service, mentioning all the overtime working on all the emergencies we have had. She stated that Terra Nova High School students did a clean up at the Park Mall on a Saturday morning, including the outflow as well as the mall. She pointed out that they could probably do a monthly cleanup and it could be a lot better if maintenance serviced it better. She stated that they students removed over 500 pounds of trash, 50 pounds of recycle and 1,500 cigarette butts. She stated that they also had their regular cleanups at Rockaway. She stated that they also had a team from Menlo Atherton High School who cleaned up Linda Mar Beach and the parking lots from Pedro Point to the main

Linda Mar parking lot. She stated that they also removed weeds from the switchback and did an amazing job. She then mentioned that they have Earth Day coming up April 23 and were inviting teams to sign up in all the various areas of the city. She also invited everyone to join them for the surf movie on Friday, February 19.

Mayor Digre mentioned that the Terra Nova group were between Mazzetti's and Ocean Shore School.

Councilmember Nihart stated that was part of Beautification.

Laurie Goldberg, Pacifica, stated she wasn't planning on talking but when Ron Maykel talked about the coyote, she thought she would mention that there was a lot of natural areas in Pacifica. She stated that there are coyotes, skunks and bobcats in Vallemar. She stated that she walks Mori Point a lot and she used to hear and see coyotes in the quarry area and she hasn't seen them for a long time and she was happy to hear that there was a coyote still there as she thought they might be removing them. She was excited that they were still there.

COUNCIL COMMUNICATIONS

Councilmember Keener stated that he attended the sea level rise open house in South San Francisco, along with Mayor Digre and quite a few residents from Pacifica. He thought the "powers that be" in the county noticed. He hoped they learned something as he did. He also attended the Peninsula Clean Energy advisory committee, which has been meeting for about eight months, preparing for a change over to the JPA Board of Directors.

Councilmember Nihart stated that she was at the Transportation Authority meeting, mentioning that the dismal issues around transportation dollars continues. She stated that there will be additional monies that they believe will be coming because the Tiger grants were renewed and will move forward. She stated that we will have some additional, limited Measure A money and she was hopeful we can look at money for the trail at Pedro Point but anything that may help Palmetto. She has two final meetings as Chair of CCAG, and she will be continuing as chair of the water advisory committee for CCAG, and they are trying to come up with a unified water plan for the county that involves sea level rise, and a unified approach between flooding, sea level rise, ground water and storm water, that allows the cities to work together. She invited Council to that meeting, first Wednesday at 5:30, location to be determined. She mentioned that some of them have been taking people from various offices of our electeds around to some of the damage in the city.

Councilmember Ervin attended the affordable house job task force, discussing a variety of issues, such as accessory dwelling units, etc., and things they can do to supply more housing, such as homes, rooms through HIP Housing. She mentioned Barbara Christianson from the Community College District talking about her affordable housing program. She stated that they plan several more sessions and will be coming out with a list of recommendation for San Mateo County in June. She attended the Council of Cities where Supervisor Dave Pine talked about a ballot measure to save our bays and include all nine counties. She mentioned that people are reaching out to do what they can to work on the environment and protect our home. She attended the Beautification Committee meeting and mentioned having students from Terra Nova who are working with the Rotary to plant trees along Oceana Blvd. She felt it was a great thing for the students to be doing and she also thanked the Rotary for donating.

Mayor Digre stated that she attended the airport roundtable and mentioned that Pacificans are being plagued by noise and looked at it as a health issue. She didn't see the airport noise information on the city website but she was encouraging them to do loudjet.net, take pictures. She thought it was valuable reporting such as loudjet.noise but the ombudsman email will be on the website and she encouraged people to do that. She added that it was public pressure that gets action faster than any public agency. She stated that, because it was a health issue, we want relief now. She encouraged handwritten communications, but keep it short and polite. She was pleased that the legislators were paying attention to what was going on and contacting us and sending their sharp, caring aides who sit down and go through the specifics regarding damages in Pacifica. She stated that it was a cordial and proactive group. She was pleased that they take a tour, because if the significant difference between verbal and a picture when they walk the areas in Pacifica and reality sets in deeper. She mentioned that the sea level rise issue was forcing itself upon us whether we like it or not. She stated that there was an urgency and we all have to step up to the plate and start thinking, adding that it was going to cost money. She thanked the legislature. She stated that responses included fellow cities, mentioning San Bruno responding, as Pacifica sent support with the PG&E gas explosion in San Bruno. She stated she can't say enough about the Pacifica Resource Center, and asked that people donate what they can as the Center did an awesome job. She mentioned that they had a limited fund for the evacuees of Esplanade adding that the City Manager will go into those specifics. She referred to the Sports Hall of Fame, stating that attending this will give you Pacifican history.

Councilmember Nihart stated that they were all present to congratulate the award winners at the Chamber awards, mentioning that we had a lot of fantastic businesses that do a lot for our community. She stated that Vasu of Oceana Market was one of the winners for Pacificans Care, and she wished she could attend but it was the same night as CCAG.

STAFF COMMUNICATIONS

City Manager Tinfow mentioned that several meetings ago, Councilmember O'Neill asked to have someone from the FAA come to speak to Council. She stated that they looked into that and they are not making presentations at this time because they are facing litigation. She stated that they did share that they will be holding some public meetings, mentioning that Anna Eshoo was one of the elected officials and there might be some opportunities in the not too distant future.

Mayor Digre added that Councilwoman Speiers was in on that also.

PUBLIC HEARINGS

7. Appeal and Councilmember Call-Up of Planning Commission Approval of Use Permit UP-57-15, to Construct a New Wireless Communications Facility on an Existing Jointly-Owned Utility Pole Within the Public Right-Of-Way Adjacent to 172 Hiawatha Avenue (APN 018-104-040). Recommended California Environmental Quality Act (CEQA) Status: Categorical Exemption (Class 3 - CEQA Guidelines § 15303 - New Construction or Conversion of Small Structures).

PROPOSED ACTION: Move that, as to both the appeal and the call-up, the following: City Council uphold the Planning Commission's action in part and approve Use Permit UP-57-15, with one modification: reduction of the height of the electrical meter; find that the project is exempt from the California Environmental Quality Act; adopt the attached resolution including conditions of approval in Exhibit A; and, incorporate all documents

and testimony into the record by reference.

Assoc. Planner Murdock presented the staff report.

Mayor Digre asked if he could point out the difference in his report now and the one at the Planning Commission.

Assoc. Planner Murdock stated that the Planning Commission staff report covered more details of the physical parameters of the facility and analyzed compliance with the zoning regulations. He stated that, with respect to the resolution before the Council, they incorporated all the conditions of approval from the Planning Commission hearing and added one condition related to the size of the electrical meter cabinet. Since the initial application by AT&T, PG&E has identified a smaller electrical meter cabinet that can be installed on the pole rather than a 3-foot height that reduced cabinet sized 2 feet in height, and would allow AT&T, upon PG&E approval, to elevate the height above ground level from 7 feet to 8 feet for the cabinet and reduce the visual impact.

Mayor Digre added that PG&E also sent a letter to that effect.

Assoc. Planner Murdock stated that he was not aware of a letter from PG&E related to the meter cabinet specifically and he would have to double check the attachments, adding that PG&E did send a letter on a separate issue which may come up later.

Councilmember Keener asked if the cell transceivers were 10 watts.

Assoc. Planner Murdock responded that it was correct, adding that it would emit a maximum power output of 10 watts, but he understood that they will not continuously operate at the power level but that would be the maximum output.

Councilmember Keener referred to the statement that there are two antennas on a given installation, and he asked if there were two 10-watt units on the pole or just one.

Assoc. Planner Murdock stated that he was not able to answer that question. He thought that the cumulative impact would have been assessed and he cannot say if it was 5 watts each or 10 watts that was not cumulative from each antenna. He stated that the applicant's RF engineer was present to answer that detailed technical question.

Ken Miles, appellant, thanked them for the opportunity to speak. He thought he was appealing 12 units because he sees them as being a complete system, showing a map of Vallemar and other areas with the various towers by AT&T and Verizon, as well as possible locations for towers. He stated that they have not heard a lot about the electronics and how they are wired and talk to each other. He stated that the residents were concerned about losing their aesthetics and decreased property values if the system goes in, explaining some of the specific concerns such as trees being cut down and the area will no longer look like they live in a forest which is the environment they love and enjoy. He mentioned changes in ordinances that allows the right of way to be used by the wireless companies, which they didn't intend. He thought it was a good ordinance but didn't think it was meant to be in a residential area. He mentioned that clarification was needed regarding the height of the wireless systems above the utility poles. He questioned whether coloring the systems brown would conceal them. He stated that another concern was that the Assoc. Planner didn't hire a specialist which was allowed by the

ordinance to help him figure out whether the system was in compliance with FCC and CEQA requirements, adding that they could have a specialist paid by AT&T which didn't happen, and he could also be a valuable asset if he attended the Commission meeting and address questions from the Commissioners. He referred to the document that they were in compliance with the FCC Act and he found a problem because at the police tower station there were several thousand watts of power coming out of that, and the AT&T consultants did not factor that in when they went to Hillside Street or Reina del Mar and he thought it might be over what was allowed by FCC. He commented on how he thought they should have done their calculation, and concluded that he didn't think they did all that.

City Attorney Kenyon stated that he used up his 10 minutes and he would not have the opportunity for a rebuttal.

Mayor Digre confirmed to the appellant that he had used all his time and there would not be an opportunity for a rebuttal.

Angela Kung, External Affairs Manager, stated that they also had Tasha Stack, Michael Caneria and their regional vice president, Teddy Verhayes. She stated that Anna Gomez was from Black and Beach and has been their lead vendor. After she has finished her presentation, Ms. Gomez will go into the project in more detail. She stated that they also have Bill Hammett, their professional licensed engineer with the State of California who can take about RF and noise if they have any questions on that. She mentioned that 45% of homes do not have land lines anymore and having a cell phone was more and more pertinent, including working from home and as such dropping a call was becoming a very big issue. She stated that they know there is a big coverage gap in the Vallemar area. They began addressing this issue a couple of years ago with talking to the planners and got feedback to a similar project to confirm the aesthetics and what they wanted for Pacifica. She stated that they came back with the proposed project which they felt was the best, brightest project with the smallest boxes, best technology and a state of the art facility, a small cell project. She explained that, in choosing the poles, they had to comply with all Pacifica ordinances. They also wanted to go on existing poles and there has to be an available quadrant and space to climb for safety reasons. They did extensive research on this and concluded that these 12 are going to be their best and most reliable coverage with the least intrusive means. She stated that they were well below the threshold in all areas.

Anna Gomez stated that she was going to present the proposal for AT&T.

Councilmember Keener asked if she could lean into the mike.

Ms. Gomez then gave a presentation of their proposal, explaining the process in selecting the least intrusive equipment and locations.

Councilmember Ervin asked what the macro facility locations.

Ms. Gomez went back to the slide for visual examples at Francisco Blvd., Pacific Manor Plaza, Skyline and water tank on Gypsy Hill Road.

Councilmember Nihart asked if she was on the tank already.

Ms. Gomez stated that they have a monopole on the property.

Councilmember Ervin asked why the sites, such as the police station in Vallemar, were not analyzed.

Ms. Gomez stated that they were analyzed. She showed the slides of JPA poles they looked at in relation to AP4. They took into consideration whether it would satisfy the service coverage gap. She stated that Ms. Kung explained that there were 4 quadrants to the utility poles and they have to leave a quadrant free for climbing space, per the CPUC and there was only one available quadrant on the pole and placing equipment there would be in violation. She explained that, on looking at the macro facilities, they looked at the power at the police station. Because of the unique topography of the neighborhood, they analyzed that, if they extended the height of the pole, it would increase the green in the neighborhood but only equivalent to the coverage provided by four of the 12 proposed access points. When they looked at 100 feet, that would be more visually intrusive than their current proposal and anything in addition would not make it a viable option.

Mayor Digre stated that some residents have small units in their houses, and she asked how this would interact with those.

Ms. Gomez stated that she would call the RF engineer to provide that answer.

Councilmember Nihart asked if they were asking questions or have they finished the presentation.

Mayor Digre asked if there presentation was finished.

Mr. Kung stated that they were finished.

Mayor Digre asked if he heard the question.

Michael Caneria, RF Engineering, stated that he did not.

Mayor Digre stated that some of the houses already have the smaller units within the house and she asked how it goes.

Mr. Caneria stated that they have three versions of small cells. The first version was the one she mentioned which was based inside the home. The second was worked with the UMTS technology. The third version which they were proposing was the LT technology. He stated that the two would interact through a seamless handoff. If a call was made on the small cell and you walked indoors, there would be a seamless handoff with the thumb toe cell.

Mayor Digre asked if you don't have one of those in your house, you still will have the same reception.

Mr. Caneria stated that you would continue inside if you were located in the polygon of green, accessing the small cell from outside, walk in your door in the green area and still maintain the call or data session.

Mayor Digre asked what he called the second one.

Mr. Caneria stated that there are three different versions. The first one is a thumb toe cell, the second had added UMTS and the third added the LT.

Councilmember Keener asked how the RF power output of the three types of units compare, stating that they were told that the units they are proposing to use would put out 10 watts of power. He asked the question of whether it was 10 watts total or 10 watts per antenna. He also would like to know the output of the other two.

Mr. Caneria stated that it was 5 watts per port and there were two ports with a cumulative of 10 watts. He stated that the ones inside were much lower than that, but he didn't know the power.

Councilmember Keener stated that, in comparison to the facility mounted on the police station at 100 feet, he realized it didn't as complete coverage as the distributed network of small cells, and he asked if it was correct that his estimate was 1640 watts or was that the power of the Verizon installation that was there. He asked if he can follow his question.

Mr. Caneria stated that he didn't. He asked if he was asking about the ERP.

Councilmember Keener stated that it was the RF. He asked what the output would be of a facility on the police station at 100 feet up.

Mr. Caneria stated that the power would be substantially more. They have 40-watt PAs. He didn't have the numbers.

Tasha Stack, AT&T, stated that the nature of his question surrounds the cumulative impact of existing EME radiation from existing service that is with Verizon. She asked if that was true.

Councilmember Keener stated that it was partly true, but he stated that it was a comparison between an installation that would be at the police station versus their distributed network. He wanted to know the power output of antennas at the police station, mentioning that he has a number of 1640 watts, but he didn't know if that was the power of Verizon's installation or what they envision AT&T would have.

Ms. Stack stated that she didn't think AT&T can answer that question, but their obligation was to demonstrate that they were well within the SEC guidelines and thresholds as far as emissions are concerned and specific to their installation. She knows the application contains a report from a professional engineer. A report was done for each of the 12 installations and measurements were taken and are of existing conditions, but she didn't want to speak to that specifically because she was not the engineer who did the reports. She stated that the reports were done to demonstrate that they were within the federal thresholds. She stated that Bill Hammett was present and can speak to the questions in more detail.

Bill Hammett, engineer, stated that a regular part of his company's practice was the calculation of the measurement of radio frequency exposure conditions. They didn't design the networks but evaluate what the carriers bring to them or what the landlords bring to them that the carriers are proposing and doing the evaluation. As engineers, their job was easy, what are the numbers and how do they compare to the standard. He thought his immediate question has to do how much power would come from a hypothetical facility at the police station, trying to fill up into the valley. He thought it would be higher. He didn't design them but he sees them for all the carriers, and he thought it was going to be higher than the 1600 watts. He stated that, at a macro installation where they have 9 or 12 antennas around the tower, they will typically run 6 kw, 8-10 kw of power coming out of the antennas. He stated that the standards are not based on limiting the power out of the antennas. They were based on limiting the power that anyone

can experience nearby. He stated that, the fact that there was a dramatic power difference is indicative but not the limiting case. He explained that the limiting case is what are the exposure levels for anyone in the homes nearby, levels on the street. He stated that all of them are many times below the standard. He thought the appellant made the statement that this was going to violate the FCC standard. He stated that he guaranteed that these all meet the FCC standard by many, many factors.

Councilmember Keener stated that, what he was getting at was, an installation on the police station like the one Verizon has or one that you might install yourself would subject people who are close to the police station to more RF radiation than their design of distributed small cells.

Mr. Hammett stated that he must keep in mind that he was not the designer but just evaluates them. He stated that the answer was not necessarily the way he might think. He explained that it has to do with the direction of the antennas. He stated that a macro site will have antennas that are 6 or 8 feet tall and that has the effect of squishing the power down and allows them to focus it out toward the energy. He stated that, if an antenna is small, it is picking up energy from all directions, as your light bulb at your house sends out energy in all directions because it was small and does not have an aperture. He stated that the antennas are 8-10 inches wide, in a micro facility and not what was proposed, and allows the energy to be focused into a particular direction or sector. A facility that might have 10 or 12 or 9 or 12 antennas around would be directing the energy in three different directions to provide service, allow them to reuse the frequencies and get better efficiency out of it, if that was the kind of facility you are making. He added that they stand 6 or 8 feet tall, and really focuses the energy down, stating that there was a 1000 times less that goes down than goes out in a facility like that. He stated that, even though it was higher power, and they said they had to go up 100 feet in order to even get a third of the Vallemar District. He stated that, at 100 feet up with a high directionality of the antennas, it would probably not be a significant amount but well below the standard in that situation if on the police station or any place nearby. He hoped that addressed his question.

Councilmember Keener stated that it more than addressed it. He stated that he was trying to get at was whether their small cells would emit less radiation than the antennas that he described that would be sitting on top of the police station or a position relatively close to the police station.

Mr. Hammett stated that you would see higher levels at that distance than you would in the homes near these sites and, if you get more than a home or two further away, it hardly registers.

Councilmember Keener asked about wireless routers in the home. He asked how much RF radiation they emit and how that compares with their antennas.

Mr. Hammett stated that they were AT&T's antennas. He thought it was a very good question because they bring into their own homes wireless routers, baby monitors, etc., and all of those things use the same kind of radio frequencies for transmitting. He stated that there was an element called the inverse square law, and the energy dissipates very rapidly as it moves away from a source. He stated that it was a proximity question. He stated that these antennas are outside, up high on the poles and by the time it gets into a home, it was dissipated very rapidly. In the home, you would get higher levels at your office desk by the wireless router from that router than you would from what was on the pole.

Councilmember Keener stated that was all the questions he had.

Mr. Hammett stated that he was happy to come back if more questions come up.

Mayor Digre asked if he knew how the wind factor plays into the technology.

Ms. Stack asked if she was asking about the stability of the antenna.

Mayor Digre stated the stability as well as affecting transmission, and added concern for falling trees.

Mr. Hammett stated that he was sure the stability of mounting on poles has to meet building codes, and it is out of his area of expertise as he only works on compliance of safety standards.

Mayor Digre asked if anyone else wanted to answer that question.

Ms. Gomez asked if her question was about the effects of the wind.

Mayor Digre stated that it was about the wind knocking down poles, effecting emissions, effecting service.

Ms. Gomez stated that, when applications are submitted, they submit them to the JPA which was the landlord for the poles, they submit a structural analysis of the proposed attachment. They are reviewed, adding that there is a wind loading completed as they are designing it taking into account whether it will be structurally sound. She stated that the mounts should hold the antennas in place during normal and natural winds. She added that it is reinforced when PG&E completes another structural analysis and also when AT&T completes another structural analysis that will be reviewed and approved by the building department, testing the integrity of the attachment.

Mayor Digre asked who she said the landlord was.

Ms. Gomez stated that it was the Joint Pole Association.

Mayor Digre assumed it includes PG&E.

Ms. Gomez responded affirmatively.

Commissioner Nihart asked if she had one.

Ms. Gomez stated that she did not because equipment was not ordered until a building permit is received or in the building permit stage so they don't have them in the warehouse to bring in and demonstrate. That is the reason they have photo simulations and drawings.

Mayor pro Tem O'Neill stated that she answered the questions of how many are around town. He asked why Verizon works on the police station and AT&T has the gap.

Ms. Gomez stated that AT&T's standard of measurement was reliable in building coverage and they have identified a service coverage gap. She added that there was no reliable in building coverage, the area represented by green. She stated that they do not know what Verizon's standard is, however, AT&T's standard was reliable in building coverage for text and voice and their standard may be only for voice, not text or text, not voice and may be semi-reliable. She stated that they were not sure of what it was. She stated that networks are proprietary and as

far as where other sites are located and how they interact with each other and how the network was formed was something that they do not have access to. She stated that, for AT&T to meet their standard of measurement for reliable in building coverage for text and voice, they cannot meet it at that location.

Mayor pro Tem O'Neill stated that the question was that a tower on the police station was facing the topography they would if they put a tower on the police station. He stated, by public acclaim, their system works for the most part. He stated that, when he had AT&T, he lost service in the back of Vallemar. He stated that he has Sprint, and it drops in the back also, adding that they do consistently hear about Verizon. He asked if AT&T could put a tower on the police station and maybe fewer of these facilities, but maybe two or three boosters in Vallemar.

Ms. Gomez stated that, if they went up 100 feet and assuming it would be approved and be considered less intrusive than what they are currently proposing, they were still only providing coverage equivalent to four of the proposed small cells. She pointed to the area in yellow and blue, and stated that represented eight of the 12 small cells. She stated that a 100-foot tower would take care of four, but to provide reliable in building coverage for voice and text, they would still be looking at eight remaining access points to provide coverage to that area.

Ms. Stack also stated that as Ms. Gomez was saying, a 100-foot tower was not going to complete the coverage gap, and only cover four of the 12 small cells now. She stated that it was because of the topography.

Mayor pro Tem O'Neill assumed that, if it covers four, he concluded that they could eliminate four.

Ms. Stack agreed that it would be with a 100-foot tower.

Mayor pro Tem O'Neill asked, instead of having eight more towers, whether they could have a booster.

Ms. Stack reiterated that they would need eight small cells and a 100-foot tower to fill the service gap.

Mayor pro Tem O'Neill asked staff if they knew how tall the tower was on the police station.

Assoc. Planner Murdock thought it was in the order of 50 or 60 feet tall.

Mayor pro Tem O'Neill asked what the expected life of the cells were.

Ms. Gomez did not understand his question.

Mayor pro Tem O'Neill asked how long they will last or will they be back in four, five years, etc.

Ms. Stack deferred to the RF engineer to talk about the technology. She stated that they are always upgrading the network and technology to accommodate newer technology. She stated that LTE was their current technology to serve this neighborhood to accommodate the data speeds. She didn't know how to answer that exactly, but their long term lease agreements on their larger facilities are upward to 30 years, and they revisit them on an ongoing basis to swap out an antenna, put in a more modern technology, and capacity issues. She stated that the

network was always evolving and capacity was always an issue. In this instance, they were addressing the coverage.

Mayor pro Tem O'Neill concluded that she was saying that, if usage needs more data, that was when they replace it or did it wear out in ten years.

Ms. Stack stated that she can't answer that exactly but can say that, at some point in time, if and when there is capacity need, there may be a different equipment unit that is exchanged and could be smaller in size because the nature of their technology was changing. She reiterated that radio units and/or antennas get changed.

Mayor pro Tem O'Neill asked staff, if they replace one of the units for technology upgrade or aged out, if they would need to come for another permit or grandfathered in.

Assoc. Planner Murdock stated that, touching on the question of how long they will be there or how long they last, with respect to the entitlement, the use permit for the facility runs with the land and lasts indefinitely unless revoked or abandoned and currently no expiration date for land use authority for AT&T to install. He then referred to facility replacements or swaps, and stated that provided they are in substantial conformance with the facility, they typically do not require a use permit. They were also bound by FCC regulations about co-locations and it was very unlikely that, unless it was a substantial increase in height or width that they would need to return for anything related to a use permit.

Mayor pro Tem O'Neill assumed this was for cell phone only, and not Direct TV or anything else.

Ms. Stack responded affirmatively.

Mayor pro Tem O'Neill mentioned information they got about a fire in Malibu, and he was aware that there was an issue in Vallemar where many trees were reaching the end of their expected life and limbs have fallen on cars, fortunately not houses or people. He asked if they have had any sort of fires from these.

Teddy Verhayes, Regional Vice President, stated that they always make sure their equipment and anything on their poles comply with the CPUC Geo 95 weight load bearing. She can't speak to poles that are not maintained, which are supposed to be according to the CPUC standards. She stated that they comply with those and monitor their equipment to make sure they are in compliance.

Mayor pro Tem O'Neill stated that his question was whether they have ever had fires on these facilities, mentioning that was an issue brought up by the public in Malibu.

Ms. Verhayes stated that she believed there was an issue in Malibu with a fire and a telephone pole. She added that she wasn't sure if it was during the large fires which she thought had something to do with it, but she couldn't specifically speak to that.

Mayor pro Tem O'Neill stated that there was a concern with all the trees in Vallemar, mentioning heavy winds by his house that affected the power poles and preventing them from entering their home for three days. He was concerned about the quality of the poles and the life expectancy of the equipment in addition to tree limbs falling on the poles. He asked if AT&T was involved in the fires in Malibu.

Ms. Stack shared his concern. She understood about a tree falling on a pole and preventing his entrance to his home for three days. She stated that they work with PG&E. She stated that she can only speak to the fact that their equipment complies with the local standards that Pacifica has and the GO95 and other local, state or federal laws with which they have to comply.

Mayor pro Tem O'Neill asked staff if our ordinances were like building codes that all cities have to adhere to or are they codes that the city has evolved, that is, was there a uniform code nationwide for this equipment.

Assoc. Planner Murdock stated that, should the pole be approved, when it comes for construction, it will be subject to a review of a building, perhaps electrical permits for compliance with the California building code and local amendments adopted by Pacifica, but not nationwide. They apply to structural and electrical related issues. He stated, as mentioned by the applicant, the poles were additionally subject to structural analysis review and approval by PG&E, as well as heightened standards of review by the CPUC put in place after the Malibu fires in response to identified shortcomings with the pole analysis regime, particularly with all these new communication attachments. He stressed that there have been additional layers of review and standards in place since the Malibu fires cited as a safety hazard, adding that he did not think it was relevant to this case because of the lessons learned and new standards in place by the CPUC.

Mayor pro Tem O'Neill thought that, once AT&T is there, no other company can go on the poles.

Assoc. Planner Murdock stated that there are two parts. Under federal law, the city was not able to prevent a co-location with another carrier adding on to the facility provided the change is not a substantial change as defined in FCC's regulations, generally that being a 10-foot height increase or 6-foot increase in width. He stated that those were the standards and laws that we are bound by. He stated, if the modification is below that, they can apply for a building permit, with no use permit, no Planning Commission or City Council review. He stated that, with this specific pole, PG&E has evaluated it for its potential for future co-location and, under today's standards and technologies, the pole was not suitable for co-location of another carrier and they are bound by the physical parameters and limitations of current safety standards.

Mayor pro Tem O'Neill asked if Council could add a condition of approval that any other carrier who wants to add to the pole has to go through this process.

Assoc. Planner Murdock did not think they could, but he would defer to the City Attorney to answer that question.

City Attorney Kenyon stated that there are laws and regulations in place that would mandate that it occur. She did not think a condition of approval was necessary.

Mayor pro Tem O'Neill concluded that it was already covered. He didn't understand why they can't use boosters, stating that they have a tower that works for four and they have eight more in there. He thought the topography was the same as Verizon. He was confused as to why they can't have a booster or relay so they could eliminate a good portion of the antenna.

Ms Verhayes stated that they did the analysis. She stated that, if they are at the police station with a 100-foot minimum, adding that she didn't think Pacifica's zoning laws would permit. She stated that they were not in the business of piecemealing a network. She stated that they invest

time and effort into making it the best network they can possibly build, which she feels they owe their customers and why AT&T has one of the world's largest networks. She stated that it was fast and reliable, and she added that they have an obligation under their spectrum license to make sure they cover a percentage of the population when they are awarded the spectrum licenses. They then try to find the least intrusive means. She mentioned that Ms. Kung has said that they have been at this for two years, coming back with different designs and worked with the planners, trying to find something that integrates into the environment that isn't a 100-foot pole with antennas all over the side of it. She reiterated that this was the least intrusive, and they believe they can get great coverage and was what they were proposing.

Councilmember Ervin referenced property values, asking if there have been any studies done that have demonstrated that the towers have any effect on property values.

Assoc. Planner Murdock stated that it was not part of his analysis and cannot speak to that.

Ms. Verhayes stated that she has seen studies over the last ten years that go either way depending on who does the study. She stated that some say it actually adds value because people don't want to move into an area where they can't run a small business out of their home or can't get adequate coverage. She stated that the ironic part is that people, such as in Geyserville, asking them to bring wireless service and fiber network to them. Her understanding was that there was case law that says that property values cannot be a factor in the decision to deny a permit request.

Councilmember Ervin appreciated that explanation. She then asked the City Attorney if she was correct to say we cannot prevent AT&T from providing the best possible service or could they say they only have to provide service to a certain level and don't need better service.

City Attorney Kenyon responded that it was not up to us.

Councilmember Ervin concluded that they have a right to provide the best possible service that they can provide.

City Attorney Kenyon stated that they have to provide evidence that they have a gap in coverage. Once they make that presentation, which staff and evidence confirms that they have made that demonstration, they have a right.

Councilmember Ervin concluded that it was as long as they meet the zoning requirements, radio frequency emissions and everything else.

City Attorney Kenyon responded affirmatively.

Councilmember Nihart referred to CEQA, and asked, for the record, to publicly explain the reason that CEQA does not apply to this project.

Assoc. Planner Murdock stated that staff analyzed the potential impact and revised and enhanced the analysis since the Planning Commission hearing in caution of analyzing all 12 facilities as a single project under CEQA. Staff felt that the potential cumulative impacts from this project were not significant and fell squarely within the exemption provided under Section 15303 of the CEQA guidelines. He then read the Class 3 exemption. He stated that elements of each of them could be applicable to this project, attaching the small equipment to existing utility poles and therefore, there was no evidence presented to staff that there was any

likelihood of a significant environmental impact or unusual circumstances that would prevent them from applying this categorical exemption.

Councilmember Nihart stated that in some ways Pacifica's ordinance gets superceded by state and federal, asking if she was correct.

Assoc. Planner Murdock stated that there are many impacts on local authority that resulted in the zoning ordinance in effect. He was of the opinion that the zoning ordinance was compliant with state and federal limitations but they don't have unlimited authority to implement any zoning standard that the city wants.

Councilmember Nihart commented on how things are perpetuated, referring to having seen a pole with what seems like 15,000 things on it. She acknowledged that they were proposing very modest things, and they have picked the sites that, according to the JPA, only their equipment can be on those poles.

Ms. Verhayes responded that she was correct.

Councilmember Nihart asked what stops the next person coming into the valley, putting the same kind of system on every pole that AT&T didn't choose.

Assoc. Planner Murdock acknowledged that nothing necessarily stops them. He referred to the CPUC code that stated that wireless carriers as telephone providers have a right to locate facilities in the public right of way to provide what the state legislature has determined is a critical infrastructure requirement for citizens of California. He stated that nothing stops them from doing that and have a right to pursue applications within the limits of federal, state and local laws. If it was a new installation, they would be subject to a use permit requirement and would need to go to the Planning Commission just as this application. He stated that there was a potential for future installations on existing utility poles as well as future installations of new wireless towers within the right-of-way, subject to review and approval of a use permit.

Councilmember Nihart stated that she can travel in countries like Vietnam, Thailand, etc., and get amazing cell service and she never sees these things. She asked if it was because they have a satellite. She asked how we were wedded to the ground.

Ms. Verhayes stated that you travel and you don't see them, and she travels and all she does is see them, because it was what she does everyday. She stated that they are there because AT&T is there.

Councilmember Nihart stated that she has not given her an international site yet.

Ms. Verhayes states that she was happy to supply international photos to them, because they are there. She stated that they all travel internationally and they take out their phones and comment on them. She stated that, in Hawaii, there are panels of antennas behind a trellis. If they weren't there, we wouldn't have cell service.

Councilmember Nihart thanked her, adding that again it wasn't international. She stated that everyone has a cell phone in Singapore, and she stated that you see very few sites, and she understands that there is pretty good satellite coverage which was why she was asking.

Ms. Verhayes stated that technology is coming.

Mayor Digre asked if she said it was coming.

Ms. Verhayes stated that, if she could predict the future, she wouldn't be here. She stated that it was changing every day and they were looking for ways to maximize their existing networks to make sure they can do that without having to build additional facilities. She stated that they didn't want to build them because they are expensive and upset communities and that was the last thing they want to do.

Councilmember Keener referred to the internal temperature of the units and wondered at what point the fans come on.

Mr. Hammett stated that they do have a fan inside that kicks on at 122, which they think is the internal temperature. He stated that the noise studies they have done show compliance with the municipal standards based on the fan running all the time. He thought, given the temperate area in Pacifica, he didn't think it was likely, but would still comply with the standards. He stated that the standard is reached at 11 inches away from the unit. Beyond that, the powers are just dropping.

Councilmember Keener concluded that the temperature of 122 was the temperature of the internal electronics, and he thought the actual temperature was driven, not only the external temperature but the internal temperature of the heat generated by the electronics as part of the process. He asked how frequently would the fan come on and run when it was 70 degrees out.

Mr. Hammett stated that he did not have the data. They work from what the manufacturer tells them the equipment was designed to do, and what is the set point. He stated that there was natural air flow through the box and, if it doesn't hit that trigger, the fan does not run and it was virtually silent. He reiterated that it only runs when the temperature reaches that point. He stated that the other boxes on the poles don't have fans and are passive, but this one box does have a fan, but at 70 degree weather, he would expect the fan not to be running but they assume it is for the purpose of the study.

Mayor Digre asked him if he had said he worked for various companies, because he is a consultant for the electronics part.

Mr. Hammett responded affirmatively, explaining that his company is called Hammett & Edison and have been in business since 1952, adding that his father started the firm and he has been running it for some 30 odd years. They do work for AT&T and its competitors, cities, peer reviews, landlords by helping them design spaces for wireless carriers to come to new developments.

Mayor Digre stated that she concluded he was a very valuable person as a source of information.

Mr. Hammett stated that he has been doing it a long time and tries to remember everything.

Mayor Digre understood that AT&T was proprietary and didn't want to share information, but she asked him if he thought any of them want to share. She stated that the car companies seem to be okay with the technology for driverless. She was getting at co-relating.

Mr. Hammett thought it was co-location of putting antennas on the same structure. He stated that it happens on big tall structures like a pole at a police station or fire station where the government will have its own radios on and the others come on the side. He stated that it has to be really tall in order to fit several carriers' antennas and have them all function well. They need some line of sight to push their signal out to the surrounding area, half way to the next site.

Mayor Digre referred to technology moving quickly and mentioned technology that uses satellites, GPS, etc., to be able to get a car to talk to each other or drive by themselves. She asked if the telephone wireless companies have looked at that type of technology and if it was coming quickly.

Mr. Hammett stated that the terminology of wireless was possibly a misnomer because the whole networks for these carriers are wired. He stated that the last link from the small cell on the pole to your telephone was the last link that was wireless. Everything else is wired together. The signal goes into that cell, goes through the phone wires, goes to a switching station and comes back and goes to some other site such as Thailand. He reiterated that it was all wired except for that last link, adding that the last links are very valuable.

Mayor Digre asked, if the equipment is placed and then modern technology changes things, if there was a standard procedure for the company to be responsible for taking down the equipment or does it just sit there.

Assoc. Planner Murdock stated that the application is in the public right-of-way and subject to an encroachment permit as well as use and building permits. He stated he would have to review the conditions, but he believes the city engineer may have the authority to compel them to take the equipment down if it was abandoned.

Mayor Digre assumed that would be a common procedure.

Assoc. Planner Murdock didn't believe it happened commonly, but there was a condition related to maintenance of equipment that poses a public nuisance and if it were abandoned and present a safety hazard, it was possible they could pursue a nuisance abatement as well.

Mayor Digre asked, if they wanted to go underground and the possibility was there, if they could not stop AT&T from undergrounding.

Assoc. Planner Murdock thought the prospect of undergrounding was nebulous and hypothetical at this point, but they did analyze and consider that as a possibility for the neighborhood and Condition of Approval 18 addresses that and essentially says should the lines be undergrounded and the pole no longer being needed for that purpose, AT&T shall apply to the city for alternate options for providing wireless communication service.

Ms. Verhayes thought he stated it perfectly.

Mayor Digre stated that she thought she saw a paper that said it was only guaranteed for one year.

Assoc. Planner Murdock stated that she may be deferring for the duration for the permit, should it not be exercised. They have a two-year term of approval, should City Council approve this at this time, the applicant would have two years to exercise the permit or it would expire.

City Attorney Kenyon wanted to clarify, regarding the presentations, she thought both the appellant and the applicant have exhausted their ten minute presentations but they do have an additional three minutes, if they so chose following public testimony.

Mayor Digre called a ten-minute break and then reconvened the meeting.

Mayor Digre opened the Public Hearing.

Laurie Goldberg, Pacifica, stated that she has lived in Vallemar for 22 years. She stated that, when she first got Verizon Wireless, she didn't always get cell phone reception everywhere in Vallemar and now she gets reception way in the back in her cul-de-sac. She stated that she can call, text, etc., and they don't have all the antennas in Vallemar. She concluded that she didn't know what they were doing right and AT&T was doing wrong. She didn't understand it. She stated that the representatives from AT&T don't quite know what they are talking about. She stated that the Planning Commission approved this by 3-2, and she thought AT&T needed to talk to Verizon and find out what they are doing right. She stated that she didn't complain when she didn't have good reception at first, but they fixed it and now she has great reception. She referred to PG&E's smart meters, and stated she did not have one because she didn't want someone controlling her. She also didn't like AT&T putting in the 12 cells and she will be walking by them, adding that she feels sorry for those who live next door to the poles. She stated that she didn't think she wanted anything to do with AT&T after this. She mentioned that Sharp Park was in a canyon area similar to Vallemar and she wondered if they have the same problems or is Vallemar the only area where they have to have these cell phone things. She also felt they have had enough trees cut down and it was a different place from when she moved in and she hates to see them ruin it more with this equipment. She initially thought they were going to underground the wires. She hopes Council will not approve this and make them find better solutions.

Anne DeJarnett, Pacifica, thanked Council for what they do. She was impressed that they took their time to do this. She stated that it was not a job she could do, and they all thank them regardless of what side of the issue they are on. She referred to the inverse square rule and stated that what she has to say could be minimized. She stated that we don't know as much as we need to know about electromagnetic radiation, and we don't remember that it is additive, etc. She stated that she was sorry this issue of small cell sites on selected telephone poles in Vallemar has ended up on the agenda of City Council. She thought this was an issue that could have been adequately handled by having a public study session when the Planning Commission received AT&T's request to install numerous cell phone transmission stations on the streets in the Vallemar area, but it did not happen. She agreed with Ken Miles in his contention that the Planning Commission did not consider appropriate factors in their evaluation of the AT&T request. She can't assume that the Planning Commission had bad things in mind or malice for Vallemar residents, but she has to think something slipped up. She stated that they weren't opposed to the cell phone companies seeking solutions to more effective transmission of their signals but were opposed to the undemonstrated transmitters proposed by AT&T and in opposition to these transmitters and their installing in their community, a scant feet away from habitation, children playing, etc. She stated that her modest research leads her to believe that electromagnetic frequency radiation is disruptive and destructive to those who live on earth. She stated that worldwide research on this topic is slow and not heavily financed, but is beginning to show consistently that EMF radiation has deleterious effects on living things. She felt that installation of transmitters of this disruptive energy in Vallemar cannot have a net positive effect except for AT&T. She stated that she has submitted articles regarding the effects of this radiation for their consideration.

Caitlin Chou, Pacifica, stated that she lives in Vallemar almost adjacent to this proposed cell tower. She acknowledged that there was great concern for the community's health, and everyone has shown they are below any kind of radiants that would raise any concerns. She stated that she comes from an architectural background and thought there have been great gestures made to minimize the profile of this apparatus. She thought painting it brown did sound like a stupid way to make it go away, adding that the pole itself is hideous there already. She stated that the structure was going to be analyzed through evaluation of the CBC and structural code and building permits, and she didn't think they should be concerned with it falling off. She stated that trees are falling because of wind as a natural occurrence and if they come in conflict with an existing pole, they have other issues like fires because of the electrical component. She stated that the residents love walking their dog, meeting neighbors, etc., and she would like to be safe in walking her dog with the opportunity to call 911 if she needed. She stated that her fiancé was a first responder in San Francisco and, if there was an emergency at his work and her power was down, she would not know without driving to the gas station to get the information. She acknowledged that she does choose AT&T as her provider, but she has had it for 20+ years and she didn't think she should have to compromise her life style because of any of these concerns. She works in the financial district of San Francisco and they are everywhere and she concluded that, if you only spend your life in your home, you will never avoid exposure to any of these. She stated that the exposure demonstrated was under anything that should raise concern.

Don Colquhoun, Pacifica, stated that he would like to thank the Council for asking some really good questions. He stated that he didn't believe all their questions were answered completely and he believes that AT&T and staff can provide a better, complete, balanced and a layman's approach as most of the audience was not RF engineers and vice presidents of communication companies, but he was surprised that they came up short with a couple of questions. He mentioned that, in terms of selling their property, they must disclose if they are within a certain proximity of such equipment. He referred to Councilmember Keener's question of whether the microcells in someone's home were compounded when combining the two and he didn't feel that their RF engineer answered that completely. He referred to Councilmember Ervin's question of whether this was only AT&T equipment which was answered yes, but he felt they should also have been asked if they could sublease their systems to other providers and, if they can, what would happen to the noise signal when it goes up because of demand and is less than 25 feet from someone's home.

Laurie Frater, Pacifica, stated that when he bought his house in Vallemar, he had a cell phone and a pager and it wasn't until he moved in that he discovered they didn't work there and he had to get rid of them. He further discovered he didn't have radio reception in the house. He stated that he has gone 25 years without reception. He stated that it was embarrassing when people came to his house and cannot make a call. He stated that he recently had someone with T-Mobile with nothing, AT&T if you hold the phone against the garage door window you can get text messages. He referred to mention that they should do what Verizon does but he asked AT&T not to do that because Verizon you can usually get enough to make a short call. He stated no carrier is perfect, and no one can access the web. He concluded by expressing his appreciation for coming to these meetings every couple of weeks.

Mark Andrews, Pacifica, stated that he lives in Vallemar. He stated that he is an AT&T customer and hate the fact that his cell phone doesn't work at his house. He has to go outside if he wanted to make a phone call. He did buy a microcell but he doesn't like having that. He stated that his wife was also an AT&T customer and a business owner within Pacifica. As a

licensed marriage and family therapist, her phone is her primary business line and not having a decent AT&T coverage when having to accept calls from clients 24/7 was a hassle for her. He stated that the microcell alleviates that. He believes AT&T's proposal was a good one and will improve the communication infrastructure in Vallemar and a positive asset for the community.

Julie Thomas, Pacifica, stated she lives in Vallemar. She passed around a petition, and a lot of people mentioned their concerns. She was sharing those concerns because that's democracy and she didn't think this process has looked very democratic. They were upset about how information was handled because the initial notice had no return address and it looked like junk mail, and then bad timing on subsequent notices. They didn't have a chance to voice their concerns about aesthetics, noise, loss of trees, property values, with limited discussion. She mentioned the excellent service from Verizon and has not heard an answer from AT&T why they can't do the same thing. They had concerns about fire and wind, possible health effects, etc. She mentioned attitudes about health in 1946 cigarette ads, and stated that we have changed our minds about that and may change our mind about this in the future when more data comes in. She stated that following the San Bruno, Flint, Michigan, etc., one resident said he doesn't trust any government agency to do the right thing for the people they are supposed to protect. She stated that, based on the comments, a lot of people are afraid of these things and it will affect property values. She stated that, at their last meeting, they rejected rent control because people's homes are their castles and their biggest assets and they are working on airport noise problem but they have allowed almost no discussion on the legitimate concerns people have over health, aesthetics, noise and ugliness outside their homes. She stated that they would also like to keep trees because of global warming. She stated that they were saying AT&T doesn't have to meet the same standards as Verizon. Their dream was to stay in their same healthy, beautiful neighborhood they have now.

Norman Stoddard, Pacifica, stated he lives in the back of Vallemar for approximately 32 years. He was in favor of the project, mainly because they have AT&T. His wife was a teacher at Cabrillo and she had Verizon at that time and the signal would not come in her classroom, and they switched to AT&T as it was more important to have a cell phone in her classroom. They got a microcell with service inside their house, but when walking around outside they are without service. He stated that his wife retired and they have two grandchildren with extreme allergies and they have to carry epi-pens at all times. He stated that things can go wrong quickly and it would be nice to have cell service in the valley and he believes this project will do that.

Dave Hall, Pacifica, stated that he lives on Berendos, about as far back as you can go. He stated that, when he first moved in he had AT&T because of cell coverage elsewhere in the Bay Area but, as soon as he went home, it was gone. He stated that he switched to Verizon about 10 years ago but the signal was very marginal. He has trouble sending text messages. He walks his dog and states that the whole area in the back is very marginal so he understood that it was a tough area to provide coverage. He applauded AT&T for wanting to make the investment. He support it because he would like an alternative to Verizon. He stated that, if the economics work out, he would like to switch back to AT&T. He referred to the discussion of inverse square relationship of transmitted power and distance, and stated that the fact that Verizon's tower was on the police station means the automatic gain control circuitry in the phone was going to tell the transmitted signal to boost power to match the distance of the weak, incoming signal and you would have a signal at a much higher power than if you had a more locally centered cell tower. He didn't have numbers but thought they may be subjecting themselves to a lot less RF emissions with a cell tower closer to you and transmit at much less power. He stated that everything else has been said, such as the pole being ugly but he concluded they are there to stay as putting the underground was ruled not feasible

economically. He didn't think it was much different than Pacifica Net which was put in a number of years ago and had similar antennas on telephone poles around the city.

Colleen Williams, Pacifica, stated that she found it difficult to understand why people would continue with a contract that was providing very substandard service for years, particularly if there are medical concerns. She has had Verizon for over 20 years and she has never dropped a call. She circulated a lot of petitions and those with Verizon shared the same experience. She also spoke with people with AT&T, and many are upset that they were sold contracts that assured them they would have coverage, but then were told that they had to buy boosters including bearing the burden financially and they still do not provide sufficient coverage outside their homes. She understands that the conversation is suppressed regarding EMF, but they have to remember that telecommunication companies have suppressed conversation at a city government level did so by means of paying extremely high paid lobbyists to insert pork into a 1996 middle class tax relief bill and they were able to suppress the conversation and City Councils cannot consider EMF in terms of health and safety. She stated that on three separate occasions, Mr. Hammett has presented the same information that predates 2006, and she has asked him on two occasions to bring current information, but he has not done so. She also reminded everyone that they just witnessed a tremendous crisis with El Nino, mentioning that she experienced that in 1997 when 80 mph winds ripped the roof off her house. They had to crawl on the roof in the middle of the night to put a tarp while water poured through and could not stand up because of the strong winds. She mentioned a research report that El Nino can be expected at a frequency of every two years and the magnitude is exponentially increasing. She added that we are in a drought and on seismic fault lines.

Jimmy Stillman, Pacifica, stated he lives on Manzaneta. He was in support of AT&T's proposal. He felt this was exactly the type of technology that a community like Pacifica with topographic constraints should be encouraging all carriers to employ. He felt this was the least intrusive design. He stated that the last thing he wants to see is 100-foot towers, mono-poles, fake trees, etc. He referred to mention of Verizon and he felt that, on the map, it looks like Verizon has a completely different coverage objective when they installed the facility. He thought they were trying to enhance coverage up and down Highway 1, and anything towards the back of the valley may have been a bonus at the time. He commends AT&T for coming in and trying to provide coverage where people are living and reach the back of the valley. He stated that topography was a big constraint and mono-poles are not a one size fits all. He felt there has to be a "tool chest" of sites to build, and he felt they did a commendable job of exploring the small cell technology. He was enticed by Pacifica's beauty, but when he is walking his dog and he looks at the tower on the police station and it disgusts him that there is a giant mono-pole that could be taken away and brought down to existing PG&E poles that are already there and the CPUC, PG&E and JPA have reviewed the poles and they are safe, with CPUC requiring them to get all the appropriate fire and life safety permits and he didn't think that should be a concern. He looked at homes in various areas of Pacifica and the first thing he and his wife did was to pull out their phones to see if they were connected to the outside world. Many times, they were not, and those homes dropped down on their list of priorities to buy. He was happy they could find a home that was connected and encourage his wife's home business and receive calls when he is working and reach family and friends when in need. He supported this project and encouraged Council and staff to encourage all carriers to employ this type of technology in Pacifica.

Barbara Miles, Pacifica, stated that she has lived in Vallemar for 30 years. She stated that most of them probably watched the Super Bowl and she noticed an ad from T-Mobile who was slamming Verizon because they felt T-Mobile had more towers around the country than Verizon

and she thought the race was on for the towers. She was surprised. She stated that, if AT&T is approved, they will be inundated with T-Mobile, etc., because of setting a precedent for these companies to come in. She urged them to safeguard the life, health and property of the people in Vallemar which was what they were striving to do for those at the sea wall in Pacifica. She asked who will pay if Vallemar decides to put wires underground. She understand that PG&E has lost their safety records for the last 12 years, and they are in violation of safety down the coast. She asked what would happen to Vallemar if there was an explosion. She stated that she has U-Verse and she was 6 inches away from a radiation emitting device. She cannot keep AT&T because of that. She stated that AT&T came out three times and couldn't help her because wires were wet and that concerns her about their maintenance.

Debra Arndt, Pacifica, stated that she was there to voice her concerns regarding this project. She lives on Hillside in Vallemar with one of the proposed sites was adjacent to her home. She referred to UP-65-15. She was not anti-technology which was what she said when she first addressed the Council on December 7. She stated that her family uses it on a daily basis and was also not against AT&T providing service to their customers in Vallemar. She attended the December 7 hearing to raise her concern about possible exposure to electromagnetic fields and requested that they move the proposed site to another location. She quickly learned that her concern and Council could not take into consideration anything related to health and moving it to another location was not an option because AT&T determined that the pole in front of her house would provide optimal reception. She then thought she would not want one of her neighbors to have a facility like that in front or near their home. While her initial concern was the RF exposure, she failed to mention other issues with these installations. She then showed a picture of the location of the box near her bedroom window. She then took a picture from her room through the window, indicating it was an eyesore now, and asked them to imagine what it will look like for them once the antennas and boxes go up on it and possibly other antennas from other carriers, which brings up the co-location issue. She pointed out that the Assoc. Planner stated at the December 7 meeting that once AT&T places their equipment on the pole it will be deemed a permitted wireless facility and she concluded other wireless carriers can come in and put their equipment on the pole without further discretion from Planning Department of the city. She stated that it was ugly as is and add equipment to it and it becomes more of an eyesore. She stated that she wants to continue seeing the hills without visual obstruction of wireless equipment. She asked if the pole site on her street was within legal code.

Doris Krischke, Pacifica, stated that she has lived in Vallemar for about 30 years. She was grateful for her cell phone and her good reception. She feels bad for those who live in the back who aren't getting great reception. She stated she has Verizon and has perfect reception. She stated that it wasn't that they don't want AT&T to provide them with good service but they don't want it to impinge upon the reason the live in Vallemar, that is the beautiful trees which sometimes hit the poles, but the trees are going and they are seeing the poles more. She stated that she worries about her property value, even though they said it wasn't something to be considered, but it is a real concern of hers and she was sure others. She talked to a local realtor and asked if someone had a choice between buying a house with a big pole or one without a pole, which one would they pick. The realtor acknowledged that it would lower your property value. And when selling your house, you also have to disclose what you know about your house. She stated that, when the fans turn on and start making noise, you have to disclose that or you are in trouble. She thought the poles were supposed to be set back 18 inches and at her house it was not, but maybe 10 1/2 inches. She stated that they talked to the residents and got 300 signatures but they would have had more if more people had answered their doors but half the people weren't home. She said that, of all the signatures she got, only one person didn't want to sign. He wasn't against what they were trying to explain but that he

doesn't sign any petition. The results were good that people do not want AT&T to put those micro antennas up. They would like AT&T to put it on the police tower or water tower where they can increase the cell signal for all the customers but not on the backs of the rest of them.

Therese Dyer, Pacifica, stated that she was going to speak now instead of on #8.

Mayor Digre asked if she was talking about AT&T.

Ms. Dyer stated that she was, adding that it was the same subject and she was confused about whether they combined the two. She thought Ken Miles did a better presentation than AT&T. She stated that he was also a former planning commissioner and she thought he went into detail in his investigation. She stated that he also mentioned that AT&T should be about safety and service. She stated that she has been an AT&T customer since 1961 and she just dropped her long distance with them because she fought for six months because her long distance call jumped from \$12 to \$200 + and she couldn't get it resolved in six months. She finally went to her assemblyman who got in touch with the office of the president. Now she has an email of the president and she has had numerous complaints since then on different issues and she emails him and he takes care of them. She stated she does not want to continue doing that. She dropped her long distance because there was someone else on her line. She stated that she got a phone call and two people were talking on her phone. She thought, if they can't take care of that, she didn't know how they are going to take care of the problems in Vallema

Did not state name, Pacifica, stated that she lives in the back of Vallemar and she has Verizon which works just fine. She felt that one thing that has not been addressed in this discussion was the noise factor. She read it would be at 45 decibels and she thought that was fairly noisy. She didn't know what it would take to make the fan go on, somewhere mentioning 122 degrees, but she asked if that was the internal temperature and if it runs a lot, will that make it get to 122 degrees or if it gets to 122 degrees outside which was never going to happen in Pacifica. She was concerned about the noise coming on in the middle of the night as she sleeps with her windows open and the pole is very close to her bedroom. She concluded that she was not too pleased about the noise factor and she wants that to be taken into consideration because it was quiet in the back of Vallemar.

Mayor Digre stated that Ken Miles as appellant and AT&T have 3 minutes if they would like to use it.

Mr. Miles stated that there was quite a bit of information and technology. He spent a lot of time looking at federal and state regulations and he saw inconsistencies with the planning staff, and he didn't get to talk about all those things. He was disappointed in the process of how things had broken down in government. He stated that Vallemar spends money on taxes but they don't get much from the city, losing their trees, fighting for undergrounding, could put the towers on the hill and not impinge their privacy with noise, and he stated that they were talking about 8,000-10,000 watts at the police tower which was a lot of watts, and the threshold for those in their homes was 1.2 milli-watt or 1,000th of a watt. He mentioned Mr. Hammett was talking about the inverse square law but even with that, there was going to be a lot of radiation around the residential areas, and in the school yard. He stated that he cited the inverse square law for sound but it doesn't work that way. He stated that, during the Planning Commission meeting, they brought up the 122 degree thing, and the Planning Commissioners were saying that it never gets hot around here, and Mr. Hammett let it be that way and no one from staff or AT&T corrected them to make it sound right. He wondered why the wool was being pulled over their eyes and he questioned what was going on.

Ms. Verhayes thanked them for allowing them to be there and share their plans. She stated that they have heard from the speakers that they do have a gap in coverage and they are proposing to fill that gap by the least intrusive means. She hoped that they have showed them that they have looked at alternative sites and taken into consideration distance and height and have come up with a plan that they have worked on for two years to make sure it was the least intrusive and smallest yet allows them to cover the area.

Councilmember O'Neill asked how old this technology was.

Ms. Verhayes stated that the small cell technology was pretty recent. They were putting LTE on it and that was the coverage that all carriers are deploying now, and was on most of the phones that everyone uses.

Mayor Digre closed the Public Hearing.

Councilmember Keener stated that one speaker brought up that the most pervasive source of RF radiation may be their cell phone itself held up to your ear. He mentioned that the speaker stated that as Verizon customers get further from the tower on the police station, the antenna in the cell phone amps up and you get more exposure to RF radiation in your ear and brain. He thought that was the area of the body that has undergone the most medical research and questioned if there was any effect of RF radiation. He didn't want to say that was used for the standards for public exposure but that was probably one of the highest exposures they will get.

Councilmember Nihart referred to what Councilmember Keener said, and stated that there are multiple reasons that they cannot make a decision based on health or EMF. She stated that the bottom line was that there are too many confounding factors. She stated that EMF in your home was startling from the microwave, television, computer monitors, etc. She stated he was absolutely correct that the further away you are, the more your own cell phone has to pull so, the higher the EMF at your ears. She stated that the medical data was largely inconclusive because of the confounding variable and why they were not allowed to use it more than any other single factor. She then stated that the World Health Organization has taken on one of the largest studies challenging the whole issue but doing it in countries that are in the world of using cells because they didn't have land lines and they are looking at the health factors in exactly the same way mentioned which was not comparable to the small sites and the antenna, etc. She reiterated that they are not allowed to look at that kind of information nor should they because of the confounding factors in the data. She wanted to bring a couple of issues she wanted to bring up.

City Clerk O'Connell stated that it was 10:55 and they needed to make a decision on going beyond 11:00 p.m.

Mayor Digre asked if they could finish it by 11:30.

Councilmember Ervin reminded her that they had two more consideration items. She stated 12:30 a.m.

Mayor Digre understood they were talking about how long they will be there for the entire agenda, not for this item. She stated that they mentioned 12:30 a.m.

Councilmember Nihart thought it should be 1:00 a.m.

Councilmember Ervin moved that they extend the time to 1:00 a.m.; seconded by Councilmember Keener.

5-0.

Councilmember Nihart stated that the noise was because of the internal heat of the equipment. She stated that the fan was 40 decibels. They looked at decibels in relationship to sound, mentioning that a whisper was 30 decibels, and a washing machine was at 70. She wanted to make sure they were clear about that. She then referred to building codes, and stated that the poles already exist so they were attaching something to the pole, and it has to be secured in certain ways, and she asked where the building code came in.

Assoc. Planner Murdock stated that the building official will review a structural analysis prepared by the applicant with respect to the existing condition of the pole and the impact of the additional equipment, including the antennas, etc., for structural compliance with the building code.

Councilmember Nihart stated, for clarity, they were talking about if the pole has deteriorated in some way, they will look at all those issues related to the poles.

Assoc. Planner Murdock understood that the structural assessment will take into account an inspection of the existing condition of the pole and its ability to accommodate the additional load, both static and within certain wind load parameters.

Mayor pro Tem O'Neill stated that the thing he finds the most disappointing and challenging about this type of appeal is that he was not questioning the individuals but he asked if they trust corporations to look at and discuss the better alternative. He was concerned because Verizon seems to do a better job with their technology and AT&T, at this point, was doing a stop gap to fix it. He understood that they have to have certain standards. He thought the disappointing part is that under federal and state law, the Council has very little discretion. They were wrapped so tight in regulations that it could put them in a pyramid and bury them like King Tut. He was explaining why he will be voting no for the appeal, specifically because they don't have much choice.

Councilmember Ervin agreed with Mayor pro Tem O'Neill that it was important that everyone understands that their choices are very limited because of legal implications based on what they do. They have a lot of things occurring in the city that they need to be focusing on, adding that it didn't mean this was not important. She was open to the people in Vallemar to having the type of self service they want and the way it looks to them. She stated that the problem was that there were legal obligations. What will happen if they say no with no substantial evidence as to why they are saying no, which cannot have anything to do with radiofrequencies which were under the regulations and they are meeting those guidelines. She felt they have a strong argument about what was the least intrusive, a big pole or small cells. They have many issues and they have a gap of service for people with AT&T. She stated that they have an obligation to provide them with better service if available and what the law tells them they must do. She would like to ask the people to figure out what they want as long as they are not prohibiting them from having service, but the problem was that AT&T has determined that this was providing the best service possible and they do not have the right not to provide the best service possible. She stated that those things were tying their hands in terms of what they can do for them and not have to go to court and have it overturned because of state and federal regulations and the telecommunications act.

Councilmember Keener agreed that their hands were tied. He echoed what Councilmembers Ervin, O'Neill and Nihart said. He did say that thank goodness they have the appeal process. He felt it was right for them to have their appeal heard and have this fairly robust discussion. He thanked Mayor Digre for calling up this issue for all 12 site permits, whereas Ken Miles could only call it up for one.

Councilmember Nihart stated that he made a leap because she hadn't said anything yet. She was going to point out, for those who didn't know, that the telecommunications act of 1996 was something that was passed by Congress and how it sought to accomplish an expansion of our telecommunication system and get more rapid deployment out there which was a reduction in the impediments imposed by local governments on installation of facilities for wireless communications such as antennae. She stated that it was down to just a little bit more than aesthetics. That was why she asked about proliferation, questions around poles and locations in terms of those impacts. She stated that they were hard pressed, based on what they have seen, to talk about adding to the tower, particularly when you are not increasing the coverage and having to do some piecemeal catch up and their hands are tied. She stated that their arguments are strong, met the requirements of the FCC, and she wished they had done a better job with communication and discussion with the community first.

Mayor pro Tem O'Neill stated that they got a memo from the City Attorney that they can't even discuss the public right-of-way and can't even ask them to move to a water tower. He was ready to make a motion unless someone had something to say.

Mayor Digre thought it was very confusing. She thought they all agreed with Councilmember Nihart that a study session or some way of hashing these things out ahead of time would have been helpful. She stated that it was annoying that they were under a tightrope of something from 1997 when they are in 2016. She stated that, looking back at the history, she understood how government officials wanted the public to be able to move forward in progress. She thought the missing link in 1997 they were pushing everyone to get with it and they were now past the "get with it" and were stuck to 1997. She thought they did have a couple of Planning Commissioners not vote for this. She thought, with the whole process and their valuable input, they pushed the limits and they learned a lot of valuable things, and AT&T did so some compromising and we got more assurances with PG&E. She asked the indulgence of her fellow Councilmembers, which she didn't think that would get them thrown into court. She was concerned that it was 1997, that Malibu happened and we learned from it. She was going to invoke what was in the AT&T document which concerns her. She acknowledged that they are not allowed to talk about health, but because AT&T used the term health in their document of caution for employees or anyone else that was going to be within three feet of one of these poles, she was going to dare to use safety and the well being of a neighborhood in choices. She didn't think their property values would go down, stating that they may go up and they may go down. She asked if they could tell her the noise level of the fan.

Mayor pro Tem O'Neill stated it was 40 decibels.

Mayor Digre stated that it was the dias fan driving her nuts, adding that she has to shut hers off in order to hear and she tries to be polite. She didn't ask her councilmember to turn it down but she has on some occasions. She stated that, when someone has a soft voice, she cannot hear and will then ask them to cut it down. She then quoted from page 585, which basically gave information on directions to people working within 3 feet in front of antennas. She thought the rules and regulations from 1996 and those created in 2016 were well and good. She thought

PG&E has a wonderful mission and wonderful laws, but pointed out what happened in San Bruno. She knows we all worry about our water, but pointed out what happened in Flint. She stated that, based on all these things, she was going to vote no. She asked that people not clap, adding that it was a difficult situation because if everyone voted no they would be in deep trouble and they would hate them all.

City Attorney Kenyon stated that they need to see the vote of the Council.

Mayor Digre stated that she did not make a motion but took her turn and made a comment.

Mayor pro Tem O'Neil moved, as to both the appeal and the call-up, the following: City Council uphold the Planning Commission's action in part and approve Use Permit UP-57-15, with one modification; reduction of the height of the electrical meter; find that the project is exempt from CEQA; adopt the attached resolution including conditions of approval in Exhibit A; and incorporate all documents and testimony into the record by reference; seconded by Councilmember Keener.

Councilmember Nihart asked if she was voting no because the rest of them were probably going to vote yes.

Mayor Digre stated that she was taking that risk. She stated that her reason was that AT&T used health and she changed it to safety.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Mike O'Neill, Mayor Pro Tem
SECONDER:	John Keener, Councilmember
AYES:	O'Neill, Ervin, Nihart, Keener
NAYS:	Digre

8. Councilmember Call-Up of Planning Commission Approval of the Following Applications: 1) Use Permit UP-54-15 (Adjacent 244 Berendos Ave., APN 018-133-190); 2) UP-55-15 (Adj. 160 Calaveras Ave., APN 018-131-020); 3) UP-56-15 (Adj. 136 Amapola Ave., APN 018-113-270); 4) UP-58-15 (795 Reina Del Mar Ave., APN 018-095-110); 5) UP-59-15 (Adj. 648 Reina Del Mar Ave., APN 018-086-190); 6) UP-60-15 (Adj. 293 Juanita Ave., APN 018-123-120); 7) UP-61-15 (Adj. 351 Genevieve Ave., APN 018-124-120); 8) UP-62-15 (Adj. 571 Reina Del Mar Ave., APN 018-082-060); 9) UP-63-15 (Adj. 465 Reina Del Mar Ave., APN 018-052-090); 10) UP-64-15 (Adj. 139 Berendos Ave., APN 018-114-120); And, 11) UP-65-15 (Adj. 217 Hillside Dr., APN 018-071-170), to Construct New Wireless Communications Facilities on Existing Jointly-Owned Utility Poles Within the Public Right-Of-Way in the Vallemar Neighborhood. Recommended California Environmental Quality Act (CEQA) Status: Categorical Exemption (Class 3 - CEQA Guidelines § 15303 - New Construction or Conversion of Small Structures).

PROPOSED ACTION: Move that the City Council uphold the Planning Commission's action in part and approve Use Permits UP-54-15 through UP-56-15 and UP-58-15 through UP-65-15, with one modification: reduction of the height of the electrical meters; find that the project is exempt from the California Environmental Quality Act; adopt the attached resolutions including conditions of approval in Exhibit A; and, incorporate all documents and testimony into the record by reference.

Assoc. Planner Murdock presented the staff report.

Mayor Digre opened the Public Hearing.

Debra Arndt, Pacifica, stated that she would like to finish her comments from the previous item, even though she knows what the outcome will be. She stated that the city has yet to get rid of the utility poles and underground the wires but she didn't see that happening any time soon. She stated that, if they don't do this in the future, that's okay, but she asked that they not place any equipment on the poles as she is concerned about the safety of the pole and how putting equipment onto the pole may adversely affect the stability and undermine the structural integrity of the pole. She asked how the poles will withstand the storms and winds they have had and will have when wireless equipment adds to the load. She would like to know if the pole on her street was within legal code and why it passed inspection with the 18 inch setback code, which she read. She then pointed out that the pole was actually 10 1/2 inches from the curb and she asked them to explain why this pole passed code. She also questioned how it would affect the value of her home, mentioning that it was already affected by the state of the art water treatment plan facility across the highway from Vallemar which still emits foul odors into the air, more frequently than not. She stated that the residents and children in the school have to smell this stench, and adding wireless antennas to an already ugly pole will probably have an affect on the value of homes. She was sure that voicing her concerns will upset those in support of this project. She was not there to sabotage their right to reliable service but was there to ask AT&T to further explore other possible sites that are away from second story homes and all residential homes. She acknowledged that they were smaller. Ms. Stack said at the December 7 hearing that they can't see them from the ground because the view impact was so negligible but from her situation, that was not the case as she will see it every morning when she wakes up and opens the blinds on her bedroom window, adding that any one with a second story window will see it. She felt it was still intrusive.

Colleen Williams, Pacifica, stated that she would like to make it clear that, in case someone doesn't know, PG&E was currently under investigation because it was found that there are gas leaks stretching from San Francisco down to Carmel as they have not been tending the pipelines. She stated that, in the investigation, they stated that they lost all the records for the past 12 years. She stated that, in San Bruno, she was the first responder who received elderly in pajamas, barefoot and burned. She was at ground zero and she thought the crater was a hellish disaster. She stated that San Bruno never dreamed that would happen in their neighborhood but it did. She also stated that the Malibu residents never dreamed that an inferno would hit when the pole collapsed because the equipment was loaded on a termite infested pole. She stated that Cal Edison was fully aware as were the carriers and they loaded it on anyway. She stated that, with sewer pipes that are leaking and run under the poles or close proximity to the poles and have not been investigated for a long time, clearly El Nino winds can dislodge these because tree limbs come down. She pointed out how something small could dislodge one of the highly explosive units. She pointed out that the atom was small also until it was hit. She stated that, when they get hit, dislodge and hit the ground, they explode, there is a fireball and the whole area is torch, mentioning that 4,500 acres were destroyed in Malibu alone. She stated that fire is uncontrollable in times of drought. She pointed out that, when they have wires coming down on a regular basis in Vallemar, it doesn't mean it requires El Nino force gales. She stated that the solution by PG&E since being under investigation was removal of the trees. She stated that they live in a wooded area, and the governor has said it is drought condition and fires should be putting us all on alert.

Laurie Goldberg, Pacifica, applauded the mayor for taking a stand against the big corporation, money, lack of concern for Vallemar. She did not understand it because she has Verizon wireless. She stated she lives way in the back with a hills and trees around her and she can

text and call all she wants from her house and outside anywhere in Vallemar. She stated now AT&T, whom everyone is afraid of, have to put up these antennas for their customers to get better reception. She again asked about Sharp Park, stating that part of them are in a canyon. She asked if they have the same problems because she hasn't heard about them having these antennas put in their area or other places in Pacifica. She stated that, since no one on Council lives in Vallemar, they won't have to worry about what they have to put up with. She pointed out that, since Verizon can provide service without putting up these poles, she didn't understand why AT&T and other companies can't do that. She stated that it angers her and she will have nothing to do with AT&T anymore, adding that she does not have to bow down to any big corporations if she doesn't want to. She reiterated that if Verizon can do it right, she didn't understand why the others can't. She was disappointed that everyone was afraid that they are going to sue the city. She thought it was sad.

Bart Murray, Pacifica, stated that he has a picture of the utility pole outside his house where he has lived there for 28 years. He referred to the topic of people removing equipment. He stated that they can see the multitude of cables that are still there, disconnected and no one has removed. He stated that the tree he had was removed because it got old and died off, but PG&E used to have a guy wire that went to the pine tree that might have contributed to it dying. He stated that, once they cut the tree down, they moved the guy wire in front of his entrance. He was afraid that the process of adding more equipment to poles will eventually come to the pole in front of his house, stating that he wanted to get rid of the pole and asked PG&E but they were not really receptive to removing the pole. He then had the TV camera show the picture of the pole.

Mayor Digre stated that the intended speaker already spoke and could not use his unused time.

Jimmy Stillman, Pacifica, stated that he lives on Manzanita. He reiterated that each one of them has to obtain the proper fire and life safety permits and go through the building code. He stated that this approval does not constitute the approval. It gives them the right to build it, but they have to obtain building permits and provide the necessary supporting requirements to make sure the sites are safe and secure. He stated that, with the application process with JPA and PG&E, they have to review the poles to ensure that the pole is structurally sound and can support the equipment. If it was not, they will move to a different pole or suggest that the pole be replaced. He concluded that they won't be dealing with the case of loading a sub par pole with a bunch of equipment because that has been and will continue to be addressed. He also reiterated that with property values, the younger generation looking to buying a home were looking for connectivity to the outside world. He encouraged staff, Planning Commission and City Council to encourage all carriers to pursue this type of technology.

Mayor Digre closed the Public Hearing.

Mayor pro Tem O'Neill moved that the City Council uphold the Planning Commission's action in part and approve Use Permit UP-54-15 through UP-56-15 and UP-58-15 through UP-65-15, with one modification; reduction of the height of the electrical meters; find that the project is exempt from the California Environmental Quality Act; adopt the attached resolution including conditions of approval in Exhibit A; and incorporate all documents and testimony into the record by reference; seconded by Councilmember Ervin.

Councilmember Ervin referred to the speaker who commented that the pole was not an 18 inch setback, and asked, if that was the case, whether they can do something about that. She was also curious as to whether there was a way to modify the height of the actual box if it was

outside somebody's window. She empathizes with the aesthetics and asked if that was possible.

Assoc. Planner Murdock referred to the issue of the 18 inch setback requirements, and explained that, regarding the standards unique to wireless facilities in the public right-of way in the municipal code, he summarized compliance with those standards in the staff report for the Planning Commission which was an attachment in the Council's agenda packet. He stated that, on reading the standards, it becomes apparent that the standards are generally applicable to new support structure installations only. He stated that, in two instances, they are explicitly applied to existing support structures as in this case, in subsections 1 and 4. He stated that subsection 1 relates to the increase of height or width of more than 2 feet was prohibited. If this applicant wanted to increase the height of the pole by 3 feet or the width by 4 feet, that would be prohibited under the zoning ordinance. Subsection 4 applies to locating a facility within the building profile as defined in the zoning code. That means continuing a line on both sides of the home out to the street. He stated that, in the case of those two standards, all of the facilities comply with those. The other standards are applicable to new support structures being installed which was not the case here. He concluded that a pole with less than an 18 inch setback was eligible as a support structure.

Councilmember Nihart asked if all the right-of-ways were easily definable in many of the streets in the cities by virtue of where the roadway is or is it not dissimilar to her street that were moved six feet in one construction.

Assoc. Planner Murdock stated that, on looking at the map, the right-of-way looks very clearly defined. He stated that there was an open swath typically in the middle of lots on either side where residences are constructed. He stated that, if they try to translate that to conditions on the ground, it was not always apparent. He stated that one might assume that the street is built in the center of the right-of-way with sidewalks on either side, but often it was shifted to either side or not built to the full width or no sidewalk or no curb and it was not always possible to easily identify the limits of the right-of-way on the ground.

Councilmember Nihart concluded that we have problems like that all over town because they accepted the streets as is from the county.

Assoc. Planner Murdock agreed, adding that many of the city's subdivisions were performed prior to the subdivision map and prior to the city's incorporation, many of them in the early 1900s when the same development standards and rigor of review were not applied. That has resulted in dissimilar situations in terms of development patterns throughout the city.

Mayor pro Tem O'Neill asked if they could call for a vote.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Mike O'Neill, Mayor Pro Tem
SECONDER:	Karen Ervin, Councilmember
AYES:	O'Neill, Ervin, Nihart, Keener
NAYS:	Digre

CONSIDERATION

9. Appropriate \$83,000 to the Pacifica Resource Center and \$3,000 to the Pacifica Beach Coalition as Grants from Fund 30 Excess ERAF to Support Their Activities; and Authorize the Transfer of Up to \$13,000 from Fund 30 Excess ERAF to the General

Fund to Cover the Permit Fees and Staff Time Needed to Process a Facility Expansion Application as Requested by the Pacifica Resource Center.

PROPOSED ACTION: Move to: (1) appropriate \$83,000 to the Pacifica Resource Center and \$3,000 to the Pacifica Beach Coalition as grants from Fund 30 Excess ERAF to support their activities; and (2) authorize the transfer of up to \$13,000 from Fund 30 Excess ERAF to the General Fund to cover the permit fees and staff time needed to process a facility expansion application as requested by the Pacifica Resource Center.

City Manager Tinfow presented the staff report.

Mayor Digre opened public comments.

Tygarjas Bigstyck, Pacifica, stated that he has often spoken in support of putting the PRC into the general budget and he was in favor of this passing, and with the continued positive feedback from Council on this subject, he was confident that it would. He thought this applies to the 2015-2016 fiscal year, and if this had been in the general budget, that question would not have been held over the PRC's head. He thought it was important for it to be put back in the general budget in the coming cycle. He pointed out the importance of continuing to fund the PRC, following the previous week's situation. He mentioned that, when donating food during the family food drive, he spoke to a staff member who told him how much more work there was as a result of the emergency. He stated that, at the last cycle with the ERAF, Councilmember Keener asked for \$125,000 and Mayor pro Tem O'Neill made the comment of giving \$125,000 to the library also. He had two thoughts, one being the extra work staff was doing and with the extra labor, having that extra money to cover a lot of employee time to help with an emergency endeavor made sense. The other thing was that, as part of the City Manager's report previously, Palmetto may be suffering the same fate as Esplanade and Palmetto may not be the best place to put the library and the money promised from ERAF to Palmetto may not be the best place to put it. He thought, if they haven't been used, maybe redistributing some of that to save the libraries was a possibility, to keep the libraries open until they figure out a better place for excess funds.

Gordon Tannura, Pacifica, stated that he was a 35-year-resident of Pacifica. He stated that, for the last year, he has been able to participate on the Pacifica Resource Center advisory board. He was present to encourage them to continue the funding for PRC. He stated that they had heard a lot and he was pleased to hear about the work they have done in the emergency times. He stated that this past year has been quite an eye opener for him. He was aware of what they do, but seeing what they do on a daily basis was amazing, such as food programs, financial counseling, housing, etc., as a safety net for Pacificans was really impressed upon him. He was lucky that he didn't need their services, but there are so many who do, and he saw this as vital to thousands of people who rely on the services from the Resource Center. He encouraged continued funding at least at the level they have been able to sustain. He understood that the funding has been at the same level for ten years, adding that things have not stood still in ten years in terms of expenses. He thought the clients of today were a direct result of today's economics where the cost of living in the Bay Area and Pacifica has risen substantially which makes it more difficult for everyone to survive. He encouraged them to consider at least the funding today. He referred to the expansion, explaining that with the \$100,000 grant from Second Harvest Foodbank to expand the space they have to better service the community. He stated that the grant did not allow them to use it for permitting and planning fees and they will be using all the grant money before June 30 when it expires for the current building and they would like them to consider the grant proposed to help out in the planning and

permitting process.

Mayor Digre closed public comments.

Councilmember Nihart stated of the two organizations, they have heard mostly about the Pacifica Resource Center, but the beach coalition does an amazing job that they could not begin to replace if they had to buy the manpower of the community. She stated that the only reason that this has been a tentative situation, definitely for the Resource Center has been that the county used to pay for this in its entirety until they pulled out of Pacifica. She still wants to continue pressure that they provide social services throughout the county and we get into situations of how we use our dollars from the county. Sometimes they need it for emergencies or other things. She stated that when they have this money come back to them, she believes that this was a vital important thing for our community but she wants to keep the pressure on the county about asking in terms of picking this service up, mentioning some of the areas where funding is going to other areas of the county, such as mental health. She added that the Resource Center is picking up a lot of mental health issues. She stated this is her issue and she wants to keep that pressure on because with letting up, they can go back to having little to no attention which she didn't believe was okay. She definitely supported this.

Councilmember Keener stated that he had advocated for \$125,000 for Pacifica Resource Center and \$10,000 for the Pacifica Beach Coalition. He stated that the Resource Center was cut loose from the city in 2004 and the \$83,000 apparently comes from the amount that the city budgeted before that, adding that the rest was grants they obtained from the county and elsewhere. Since 2004, they have done better on grants but the \$83,000 from the city was still the number and the cost of everything has gone up since 2004, which was why he was asking for \$125,000 including the \$13,000 grant to cover the cost of permit fees and staff time, and \$10,000 for the Pacifica Beach Coalition.

Councilmember Ervin stated that these two organizations truly represent the fabric of our community and do an enormous job, helping people. She thought what just happened with the emergency was amazing in watching the Pacifica Resource Center come to the aid of so many people. She didn't think there would be anyone from the county and she wondered what would have happened without this resource. She stated that it was priceless and didn't think they could say any amount of money was what they deserve. She also complimented the Beach Coalition on how they care for the beach and help in all events and in cases of emergencies. She stated that they heard of people coming from all over the Bay Area to help clean the beaches because they realize they aren't just for Pacifica but for everyone and the health of the ocean was vitally important. She also commented on the education that people get from the Beach Coalition. She stated that everyone can be educated about keeping our environment clean and learning how to help fellow human beings. She stated that they open our eyes to what it is like to wear someone else's shoes. She supports the request. She stated that she would love to approve Councilmember Keener's request but she was concerned because of the emergencies they are facing and the amount going out for ERAF funds. She reiterated that she has to think about that since they need them more than ever, but they have a great many emergencies. She would like to hear about the entire budget before she could determine that there was extra in addition to the present proposal. She did think it was a reasonable request and makes sense if we can afford it, mentioning other funds needing to be repaid, etc. She stated she would like to get it back in the General Fund since she thinks that is where it belongs because it was part of the fabric of our community. She didn't like knowing that they are worried every year about getting the funding.

Mayor pro Tem O'Neill stated that he would like to make the motion.

Mayor Digre asked Councilmember Keener if he had made a motion.

Councilmember Keener responded that he had not.

Mayor pro Tem O'Neill thought it was a request.

Councilmember Keener agreed, stating that he would agree to a motion. He stated that he would make a motion for his dollars and they can vote how they were going to vote. If it passes that's great, and if not, they can entertain something else.

Councilmember Keener moved to appropriate \$125,000 to the Pacifica Resource Center and \$3,000 to the Pacifica Beach Coalition as grants from Fund 30 Excess ERAF to support their activities and included in that is the transfer of up to \$13,000 from Fund 30 Excess ERAF to the General Fund to cover the permit fees and staff time needed to process a facility expansion application as requested by the Pacifica Resource Center.

Councilmember Nihart stated that, to do that, they need to know a lot more about the money.

Mayor Digre seconded the motion.

Councilmember Ervin stated that it breaks her heart but she feels it is her fiduciary responsibility to consider all their costs.

Mayor pro Tem O'Neill stated that he was concerned about the damage the city has in the last two weeks and, at this point, without knowing the total budget impact of what was ahead of them, and they still have another six weeks of winter left. He felt it was premature. He thought, if it came back at a later date when they have a better handle on things, he would entertain it, but at this point he can't vote for it. He admitted that he didn't appreciate being put in a position of voting no for the Resource Center as he didn't think it was fair.

Councilmember Nihart seconded that last statement, adding that to make up numbers and not know where they fit in the rest of what they were doing without any further report than what they already have and not do it in the context of the total budget was not being responsible in terms of their money. She was all about giving what they had planned and she hated having to be put in a position of saying no to the Resource Center or the Beach Coalition. She wanted to know why they keep doing strategic plans and agreements and budgets and then decide not to follow them. She asserted that it was not because she didn't support the Resource Center.

Councilmember Keener stated that they will both get to vote for the Resource Center and the Beach Coalition in a minute if this fails, which it appears it will. He stated that everyone understands that. He thought both the Resource Center and Beach Coalition will appreciate what they do vote for.

Mayor Digre asked what the leftovers if they take \$125,000 plus the \$3,000 from the ERAF.

City Manager Tinfow stated that she put in the staff report was that, also on the agenda is a request to allow them to use emergency bidding to fix the sea wall and, while not a complete fix, something to stabilize the sea wall. They were estimating that cost at \$450,000. They have requested grant funds toward that but have not heard whether they will be successful with that

or not. She thought that gives them a sense for what damage the storms have done. On the next report, they will hear more about the numbers, adding that the numbers are very large in terms of what the storm has done and what their obligations are to restore things back to some semblance of normality. She stated that, even if they are lucky to get grant funding, they will only get 75% reimbursement which is all the state offers. The city will be on the hook for the remaining 25%. She stated that she noted in the report that, if they were in the position to need to demolish 310 Esplanade, assuming that would cost similar to the amount appropriated in December, another \$400,000, and she has not found a source of any grant money for that. She stated that they all know the city has many obligations for which they are desperately in need of funding.

Mayor pro Tem O'Neill stated that it appears it will go down, but he was not voting against the Resource Center but voting against a 35% increase for the Resource Center when they have so much that is uncertain in today's world for Pacifica. He thought they will be having some hard choices down the road in terms of capital and infrastructure projects. He reiterated that it was not against the Resource Center but against increasing any expenses at this point, especially 35%.

Mayor Digre stated that she heard both arguments and recalled being in a similar position, but not with such high stakes, on the Colt property at one time. She stated that her slowness at this was the amount of people she knows who are knocking on the Resource Center door. She assumed that there was nothing to prohibit them from bringing it back at any time.

City Manager Tinfow agreed, adding that it is completely at the Council's discretion.

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Councilmember Nihart stated that they were going to make a motion to approve the amounts in the budget to begin with, \$83,000 and \$3,000 for the Beach Coalition and forego the fees.

City Manager Tinfow stated that it was actually a transfer from Excess ERAF up to \$13,000 into the Planning Department budget.

Councilmember Nihart agreed. She said that was her motion.

Mayor pro Tem O'Neill seconded the motion.

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

10. Adopt a Resolution Authorizing Immediate Expenditure of Public Money to Safeguard Life, Health or Property, Finding that Emergency Conditions Require Immediate Repair to the Failed Section of Sea Wall at Beach Boulevard and Santa Maria Avenue; and Appropriate \$450,000 from Fund 30 Excess ERAF Monies.

PROPOSED ACTION: Move to adopt the resolution authorizing immediate expenditure of public money to safeguard life, health or property; finding that emergency conditions require immediate repair to the seawall at Beach Boulevard and Santa Maria Avenue without competitive solicitation of bids, and appropriating \$450,000 from fund 30 Excess ERAF toward this effort.

City Manager Tinfow presented the staff report, and said she would take questions before Public Works Dir. Ocampo completes the staff report.

Councilmember Nihart referred to the \$400,000 allotted to demolish 320, and asked if that came out of ERAF.

City Manager Tinfow stated that it did but it came out of last year's allotment.

Councilmember Nihart concluded that it was from last year and this is from this year's.

City Manager Tinfow responded affirmatively. She added that she planned to bring them a full update with the budget on all the accounts but she hasn't had enough time to get everything together.

Councilmember Nihart stated that she had a couple of questions that Public Works Dir. Ocampo may address in his presentation. She referred to the picture of the pier where the wall is falling in, and she thought there was something missing in that picture. She asked if there was damage underneath it.

Public Works Dir. Ocampo stated that it was the connection between the main.

Councilmember Nihart asked if he is going to address the repairs to the sea wall versus what they have to do to replace it. She imagined that it was crumbling in lots of different areas.

City Manager Tinfow stated that they talked a lot about the Pacifica Resource Center and what a great resource, advocate and partner they have been to the city and she wanted to highlight what a fabulous job the city staff has done. From the first problem, they have worked together and taken great care of the city.

Public Works Dir. Ocampo continued with the presentation, mentioning that he was accompanied by Assoc. Engineer Marquez who prepared the presentation.

Councilmember Nihart asked if it needs replacement.

Public Works Dir. Ocampo asked her to repeat her question.

Councilmember Nihart asked if it needs replacement.

Public Works Dir. Ocampo asked if she was talking about the entire sea wall.

Councilmember Nihart clarified north of the pier.

Public Works Dir. Ocampo stated that he would say yes. He stated that the City Manager pointed out this morning that they have another episode of a void and, based on the picture, there was a section of the actual tile that cracked.

Councilmember Nihart stated that she didn't realize how hollow it was inside in some ways. She knew there was stuff in it, but stuff that can be washed out once its pulled out and the ties have rusted. She stated that it starts and it weakens.

Public Works Dir. Ocampo stated that she was correct.

Councilmember Nihart asked if they should be looking at that in their long term plan and think about where they are going to get the money for that as well.

City Manager Tinfow stated that they used the words initial damage assessment, asking Public Works Dir. Ocampo to share what the next steps are. She stated that these were the initial damage assessments and there will be another step in assessing the damage.

Public Works Dir. Ocampo stated that, after they came up with the initial damage estimates it was forwarded by the staff from CAL OES to the governor. He stated that, if the governor approves this, they will create projects out of each one of them, come up with the estimate and present to the Council for bidding purposes for the projects or complete repair.

City Manager Tinfow suggested that he share the letter to the governor which had the total city damages at about \$29 million. She asked what was in that number.

Public Works Dir. Ocampo stated that the \$29 million includes the replacement of the entire section of sea wall, which was the major cost. The reason was that, if you are going to ask, you look at what it will be, adding that there are other sections of the sea wall that they have discovered have voids in them.

Councilmember Nihart concluded that the bottom line was that they were putting the stop gap in their to protect the street and everything that is in that street.

Public Works Dir. Ocampo responded affirmatively, adding that the street, promenade as well as the utilities, because Beach Boulevard was underground.

Councilmember Nihart stated that she would love to say something about the homes because she sees at least one resident in the audience, but she cannot because they don't do that. They can only use mitigation funds for disaster to protect the public infrastructure. She added that protecting the street protects the homes.

Public Works Dir. Ocampo stated that, in this case, it was because the street itself is west of the homes.

Councilmember Nihart stated that it was everything in the street, such as sewers, etc.

Public Works Dir. Ocampo stated that the area was an underground district and all the utilities are underground.

Mayor pro Tem O'Neill stated that he did quick addition/subtraction and he thought the unfunded liability that they have at this point was around \$800.

City Manager Tinfow asked if it was 25% of about \$3.5 million.

Mayor pro Tem O'Neill stated that he added in the \$1.6, subtracted the Resource Center and took into account the 25%. He was looking at basically being around \$900,000 to \$1 million unfunded to make the repairs based on this. He stated that was an estimate.

City Manager Tinfow stated that the total for repairs was about \$3.4 million and if he wanted to apply the balance of the Excess ERAF toward that, she would say that the unfunded part was more like \$2.4.

Mayor pro Tem O'Neill stated that you then do the 75% and they were only liable for 25%. He stated that he wanted to get an idea of what their potential out-of-pocket was at this time.

City Manager Tinfow stated that, if all the eligible projects got funding from the state, the city's contribution of that was about \$800,000. She added that it doesn't include the demolition of 310 if they end up having to do that.

Mayor pro Tem O'Neill added that he didn't include that.

Mayor Digre asked if we got any response from the governor.

City Manager Tinfow stated that we have not yet.

Councilmember Ervin thought that makes the assumption that we're going to get all of it.

City Manager Tinfow stated that for the other issues, if we were to get funding to redo the entire sea wall, that cost was a lot more than what they were talking about so far, and coming up with 25% of that would require putting their heads together to figure that out.

Councilmember Ervin asked if we had an estimate of how long that will hold as a stop gap, specifically how much time do we have if we do this.

Public Works Dir. Ocampo stated that, as we do the repair for a section that has a breach, that particular section was essentially repaired already but the section south of it that they have to open up to make sure that, if there is another void there, they will be able to repair that. He stated that there was a little bit of inclination but that can be straightened out once you start the backfilling process because it will get kicked out by the fill they put in.

Mayor Digre asked if they have to open it up, and can't find some modern day thing.

Public Works Dir. Ocampo stated that they did that before, and it was effective, but not as effective as opening it up and seeing it. He referred to the sink hole they saw the previous Thursday. The suspected something else going on but, with the weather cooperating on this day whereby the waves were not as high and it allowed them to walk the face of the sea wall and note the break in it.

Councilmember Ervin asked if they have ever had another sink hole in the past 30 years or a breakdown.

Public Works Dir. Ocampo stated that there has been a number of voids within the sea wall, mentioning that there was a breach on the actual sea wall north of the pier.

Councilmember Nihart stated that this was supposed to last 50 years.

Public Works Dir. Ocampo stated that was what the manufacturer of the tile said.

Councilmember Nihart stated that she wants to go back to that, given that the first breakdown was in 2007.

Public Works Dir. Ocampo asked if she meant the first break.

Councilmember Nihart responded affirmatively.

Public Works Dir. Ocampo stated that they had one in 1997 and 1998. He stated that when they found the construction pictures, they encountered about four pictures that showed a failure on the wall itself while being constructed. He stated that there was no confirmation because the people doing construction were no longer here. He suspected that was the reason why they changed the design for the south side.

City Manager Tinfow stated that they talked a lot about sea level rise, El Nino, climate change but those weren't things they talked about 30 years ago. It may be that the conditions changed on how it was designed.

Councilmember Nihart stated that the lost that whole front which was why they put in the sea wall, adding that they kind of knew.

Mayor Digre opened public comments.

Tygarjas Bigstyck, Pacifica, stated that he did both Items #9 and #10 because his ideas went across both. He stated that he didn't do his homework, and wasn't here for that specific meeting, but he was under the impression that an allotment of last year's ERAF funds were supposed to go to the Palmetto project and, after the City Manager's comments from the previous session that Palmetto conceivably has to be evacuated not too distantly in the future. He didn't know if any of the money for Palmetto has been used but if it hasn't been used, now might be a good time to consider that amount of funding that would have gone toward Palmetto. He stated that originally he thought it would be good to use if for a rainy day or emergency fund but it looked like we had expenditure for which to use it, and looked like it could go for emergency funding or any debts included.

Therese Dyer, Pacifica, stated that she was appalled at the way the Council was spending the taxpayers' money. She was also shocked that they got \$1.6 million from ERAF funds which was scheduled for education funds originally. She knows San Mateo County abused by buying the Circle Star Theater and putting money towards a new jail so the cities follow through with that. Then the school districts have to put up a bond measure in order to give the kids a decent education, but what was more appalling was where they were getting all the money from. She stated that, when City Manager Tinfow came aboard, she discovered a \$4 million deficit. She stated that they know it's not really a deficit because it was a transfer from this fund to that fund and so far they haven't held any liable for that. She stated that the Council was responsible because they oversee the employees and where the money is used. She that when they can hire and economic developer for \$300,000+ and gave the new city manager a raise. She suggested that they put the budget in the Tribune where everyone can see what the funds are. She thought Fund 30 didn't mean anything to her except that they are using ERAF funds for this project which undoubtedly has to be repaired. She also wanted to know how much money they are going to get back from federal, state and county funds.

Brent Ritz, Pacifica, stated that he was representing himself and an entire block of property owners on Beach Blvd. He stated that they have to stop meeting like this. He stated that one of the pictures was from his deck on Beach Blvd., overlooking the damage. He stated that they have been fortunate for the last two weeks that there hasn't been a storm. He stated that he was there two weeks ago and he told them he examined the wall, and given the distances involved and damages, there would be unseen damages throughout the wall that would be occurring and did occur. He stated that his background was in real estate but has a degree in

architectural design. He has developed properties on the ocean and he knows a little bit about it. He stated that they need to core the concrete on the wall in many places. He agreed with Public Works that there is a very good possibility that wall is done. He stated that, on looking at the balance sheet, he has been a hedgefund manager and concluded that the city was insolvent. He stated that Mayor pro Tem O'Neill sees that. He stated that the question was how they deal with the problem. He stated that this needs to be a priority and they need to put the meeting in reverse order because nothing else matters if there is no money and they can't run the city. He stated that they have no idea what's going to happen. If anything, it was going to be ugly but the question was how ugly. He stated that it was a big problem. He suggested that they establish some sort of sinking fund or reserve account to give to Public Works so they don't have to wait for three weeks to return for a vote if they had the authority to go spend some money and do what they need to do. He stated that they have managers who are capable and they have to give them a little bit of rope and let them go forward. He stated that he was under the suspicion that the part of the wall since it was 1984, the core is bad. He stated that concrete, by its very nature, degrades over time and it was fractionally only part of the static strength that it was originally when poured. He stated that Public Works will tell you that. He was open for questions or answers, and he was sure it will be affirmed by the audience.

Anita Rees, Pacifica Resource Center, echoed City Manager Tinfow's comments about the city staff. She stated that they were all amazing. She stated that they primarily worked with the police department and Parks, Beaches and Rec, with PB&R Dir. Perez as the liaison after Police Captain Spanheimer checked in with them. She stated that everything they did was helpful and supportive in making it easier for them to do the work they were doing.

Mayor Digre closed public comments.

Councilmember Nihart agreed with everything that was said. This was an emergency and they have to do it in certain ways and that was what took the time. They get the estimates in the meantime.

Councilmember Nihart moved to adopt the resolution authorizing immediate expenditure of public money to safeguard life, health or property; finding that emergency conditions require immediate repair to the seawall at Beach Boulevard and Santa Maria Avenue without competitive solicitation of bids, and appropriating \$450,000 from fund 30 Excess ERAF toward this effort; seconded by Councilmember Ervin.

Councilmember Ervin reiterated her gratitude towards the staff during this whole emergency with the dedication and 24/7 availability of staff out there constantly at all hours of the night, in all weather conditions, and never complaining. She felt the city was blessed to have the people that we have. She felt it was phenomenal what they have accomplished in the past couple of weeks and they were grateful for the work they have done.

Councilmember Nihart added that she has had calls from everybody on the street that she knows, and that section was very concerned. She understood that.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Ann Nihart, Councilmember
SECONDER:	Karen Ervin, Councilmember
AYES:	Digre, O'Neill, Ervin, Nihart, Keener

ADJOURN

Mayor Digre adjourned the meeting at 12:45 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 4-0 (Councilmember Nihart absent); 2/22/26;

Sue Digre, Mayor