



**CITY OF PACIFICA
CITY COUNCIL MINUTES**

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

Mayor Mike O'Neill
Mayor Pro Tem John Keener
Councilmember Sue Digre
Councilmember Sue Vaterlaus
Councilmember Deirdre Martin

September 11, 2017 (MONDAY)

www.cityofpacifica.org

Mayor Mike O'Neill called the meeting to order on September 11, 2017 at 7:05 PM

CLOSED SESSION - NONE.

7:00 PM OPEN SESSION

Call to Order

Mayor O'Neill called the meeting to order at 7:05 p.m.

| Attendee Name | Title | Status | Arrived |
|----------------------|---------------|---------------|----------------|
| Mike O'Neill | Mayor | Present | |
| John Keener | Mayor Pro Tem | Present | |
| Sue Digre | Councilmember | Present | |
| Sue Vaterlaus | Councilmember | Present | |
| Deirdre Martin | Councilmember | Present | |

Staff Present: Keith Breskin, Interim City Manager; Michelle Kenyon, City Attorney; Van Ocampo, Public Works Director; Tina Wehrmeister, Planning Director; Bonny O'Connor, Asst. Planner; Dan Steidle, Police Chief; Mike Perez, PB&R Director; Luis Sun, Deputy Dir. of WWTP; Ed Vandehey, MIS Mgr.; Kathy O'Connell, City Clerk.

Salute to the Flag led by Mayor Digre

Closed Session Report

None.

SPECIAL PRESENTATIONS

Proclamation - International Peace Day

Mayor O'Neill invited individuals supporting the International Peace Day to come up to the podium. He then read the proclamation.

Carolyn Jaramillo thanked the Mayor, on behalf of the Pacifica peace people and all citizens in Pacifica, for the public recognition of International Peace Day, an important step in making

Pacifica a compassionate and peace-loving community in these more challenging times. She invited everyone to join them on Peace Day, September 21, for a candlelight vigil on Linda Mar State Beach at 7 PM, including music.

Commissioner Digre thanked them for doing more than talk, mentioning their interactive activities for all ages to encourage peaceful ways of working out differences.

Mayor pro Tem Keener thanked them for being steadfast in bringing this issue before the city for several years in the past and hopefully in the future.

Commissioner Vaterlaus thanked them, adding that it was important for all of us.

Commissioner Martin responded affirmatively.

Mayor O'Neill stated that he had relatives die during Vietnam and World War II and it was important for the memories, mentioning the Capitol flags at half mast following identification of the remains from a Marine from World War II. He felt it was important to remind people of that.

They then took a picture.

Annual Fog Fest Presentation

Larry Passmore, President of FogFest, thanked City Council for helping them. He mentioned their poster contest in partnership with the Sanchez Art Center. He stated that they offered a \$1,000 prize. They have the poster which will be used on their wines. He stated that the winner was Matt Maderos from Montara. He stated that 65,000 attended the 2016 FogFest with 1,200 in the parade. He stated that they have invested heavier in the music this year. He referred to the 50 community groups whose volunteers put in about 3,600 hours preparing for the FogFest. He stated that it has gotten so big that they have used about a mile on Palmetto Avenue, used IBL School and parking at Oceana High School to reduce impact on neighbors. He mentioned their agenda and the theme of Pacifica's 60th anniversary. He thanked Pacifica employees who helped them. He also thanked his board members, mentioning their areas of responsibility and mentioned the money that they have contributed. He mentioned that they were going to have a surprise for the FogFest on Saturday. He encouraged that they register for the parade, mentioning that one Councilmember had not registered yet.

Mayor O'Neill acknowledged that it was a lot of work to get the volunteers and organize everything. He stated that it was a big benefit to Pacifica. He mentioned that the non-profits got checks for working.

Councilmember Digre thanked them.

Mayor pro Tem Keener stated that he was the one holdout because he has another engagement with Peninsula Clean Energy's board meeting.

They then took a picture.

Presentation - Local Business Tripp Distillery

Mayor O'Neill explained that, in an effort to support local businesses, they hoped to have a local business come to meetings and give a presentation on what they do, etc.

Jason Tripp thanked them for inviting him. He explained that they bought a whiskey still and finally found a space that would conform to codes. They now make rum, whiskey and vodka at 1121 Palmetto. He appreciated the support and the opportunity to speak at the meeting.

Mayor O'Neill asked if they have tastings on Saturday and Sunday.

Mr. Tripp stated that they have tastings from 12-6 with a bar set up in front of the whiskey still and have tastings while they watch the product being made and even have a sample off the still if inclined.

Mayor O'Neill stated that the consensus of the group thought it was tasty, adding that he bought a bottle and he thought Councilmember Vaterlaus bought a bottle.

Mr. Tripp thanked them.

Councilmember Digre stated that the aroma was awesome.

Mayor O'Neill thought that the aroma made her light-headed. He added that it was worth seeing this business and getting a true taste of Pacifica. He assumed they will be open FogFest weekend.

Mr. Tripp stated they wouldn't miss it.

Mayor O'Neill thanked him for being the first business.

Councilmember Digre thanked him for obeying all the rules.

CONSENT CALENDAR

Mayor O'Neill stated that today was a huge day in American history, September 11. He mentioned all the ceremonies in New York, Pennsylvania and Washington, D.C., and thought it would be appropriate to have a moment of silence for what happened 16 years ago on this date. Following the moment of silence, he suggested they all also take this date of September 11 to remember when John Kennedy was killed. He asked Council if they could adjourn the meeting for Jerry Downs, the music teacher at IBL and Ocean Shore schools. He stated that, during his 14 years on the school board, he got to know Jerry Downs, adding that it takes a special person to be a band teacher of middle school children. He thought that anyone who has raised children knows what it is like in middle school and teen age years. He gave a brief history of several band teachers whom either children or parents responded to, and stated that Jerry was one whom the children responded to but drove the parents crazy in a good way. He stated his drum line won state awards. He also came into money and bought every child in middle school a new uniform for band. He stated that, like Thom Ball, they lost two great people who worked with the children and will be missed.

Councilmember Digre stated that Councilmember Sue Vaterlaus' mother also passed away and she asked if they could add her.

Councilmember Martin asked if they could revise the agenda if there was support for it. She suggested that they postpone item 16. She felt a sense of urgency for a lot of things, as well as this, but there is Senate bill 54 on Friday that pertains to this and she thought it might behoove them to wait and see what the outcome is, as she wanted to get it right the first time and not spend more city funds meeting with the attorneys to get it right and suggested that they postpone it to the next meeting to have more information.

Mayor O'Neill assumed she meant to postpone to September 25.

Councilmember Martin realized it was not a popular suggestion as there were a lot of people present to talk about it.

Mayor pro Tem Keener stated that, regarding SB54, he saw on the Chronicle website that Governor Brown and the Speaker of the House have reached a deal on that and it will, in all probability, go forward.

Councilmember Martin stated that, if they agree to rearrange the agenda, it will be off the agenda but anyone can speak to it during Orals.

Mayor O'Neill asked who wanted to second that motion.

Mayor pro Tem Keener seconded the motion.

Councilmember Digre asked when those present speak.

Mayor O'Neill stated that he had several cards from people who wanted to speak on that item. When the Council votes to postpone the item to September 25, the item is not on the agenda and they can speak about it during Oral Communications. They cannot speak on the pros and cons of the item if the Council votes to amend the agenda. He asked if there were any changes on the consent agenda.

Mayor pro Tem Keener thought they should make it clear that, if they put this off to the next Council meeting, when they speak during Oral Communications they can speak about the sanctuary city ordinance or anything else with no constraints.

Mayor O'Neill stated that he will call everyone who turned in cards to have the opportunity to speak or not. He asked if there were any changes to the consent calendar they wish to make, adding that he has no cards from the public.

Mayor pro Tem Keener stated that he would like to ask a few questions on Item 9.

City Attorney Kenyon stated that they have to vote on continuing Item 16.

Mayor O'Neill asked if that has to be a separate vote.

City Attorney Kenyon responded affirmatively.

Mayor O'Neill stated that Councilmember Martin made the motion and Mayor pro Tem Keener seconded it to postpone the sanctuary city item 16 to the September 25 meeting.

5-0

Consent

Mayor pro Tem Keener stated he had questions on Item 9 supporting the Calera Parkway. He referred to the letter to Sandy Wong which will go to her if this passes, and he asked if it will go out to her as soon as it passes.

PW Dir. Ocampo stated that the answer was yes, most likely the following day.

Mayor pro Tem Keener referred to support of a resolution to re-purpose \$375,000 of Measure A funds, and he asked whether the rest of the funds designated for the design phase of the widening of Highway 1 were still available to Pacifica.

PW Dir. Ocampo stated that it will not be available to Pacifica. Part of the resolution, after they provide us with the \$375,000, is that the rest of the funds will go to the TA and be used for other projects within the county.

Mayor O'Neill stated that they had cards for Item 9 and he would like to pull Item 9 for a separate vote and they will have a vote on the rest of the consent, Items 1-8, 10 and 11. He asked if there were any other consent items they want to pull and, with none, he asked for a motion.

Councilmember Martin moved to adopt the consent calendar with removal as amended; seconded by Councilmember Vaterlaus.

5-0

Item 9

Mayor O'Neill opened public comments.

Tygarjas Bygstick, Pacifica, referred to those funds and stated it was basically to study alternatives and he was in favor of that. He didn't know if the money could be used for a suggestion he had. He thought that the price tag of the two in-sync lights was a quarter of a million but maybe \$125,000. He thought that system would be better served if the lights on Crespi and Linda Mar also had that system in place for weekend traffic they are used to seeing on hot days as well as looking into alternatives.

Therese Dyer, Pacifica, stated that she was against any funds being diverted from the highway widening to the basin or any other way. She stated that they have spent more time on alternative ways and she hasn't seen any positive outcome. She stated that one only has to look at the tragedies in Florida and Mexico with the earthquakes, tidal waves, etc., and for those who live in Park Pacifica or Crespi Drive, if there is a fire or situation, they won't get out alive. She was concerned for her safety and everyone else's safety in that area. She stated that the funds were diverted for highway widening and even though they got environmentalists who thought we should go alternative ways with the lights, she felt that was baloney. She felt there was no other way but to widen the highway. She stated that emergency vehicles couldn't get in

and had to go on the opposite side which was hazardous and they could have caused a wreck. She was on record against any funds being diverted in any other way.

Bridget Duffy, Pacifica, stated that she couldn't have expressed more clearly how the older generation seems to look at things. She thought it was remarkable about the golfers from the past week, and now Ms. Dyer, who questioned taking some money that was ours to spend and come up with a better solution than widening the highway. She stated that it sounds crazy, but she was glad they were doing it and have some environmentalists in our government. She recommended democracy now because they were talking about the extinction thing she was talking about and the peculiar weather we are having in Texas and Florida. She stated that scientists were very conservative when they warned us because scientists are conservative and now they are saying that it is coming quicker and harder and we have to do things like the sewer system. She was recommending that they divert the funds to something good.

Hal Bohner, Pacifica, stated that he was confused. He thought they were pulling the item from the consent calendar and putting it at the end of the agenda.

Mayor O'Neill stated that they voted on the consent agenda and this was a separate item that they will vote on after public comment.

Mr. Bohner stated that it was confusing. He thought, if they pull something from the consent calendar they put it at the end of the agenda. He was supportive of the overall plan for Item 9 which he felt was reasonable and consistent with the other actions taken on Highway 1. He thought that working on alternatives was an important thing and it was about time for the City Council to rescind the former Council's action, he thought in 1999, in support of the Calera Parkway as it was pretty clear that this town does not want the Calera Parkway and it is badly out of date. It may have been a good idea 20 years ago, but it was not currently a good idea. He stated that three members of the Council have said that repeatedly and he thought it was time to continue with that attitude and process. He thought to move the money to get the city the option to look at alternatives was completely reasonable. He stated that waiting another 20 years for the Calera Parkway to happen and not doing anything seems like a very bad idea. He stated that to wait for the Calera Parkway to happen was where some Council members have been in the past, but he stated that it was not going to happen and it was time to move on and look at alternatives.

Chaya Gordon, Pacifica, stated that she was speaking on behalf of Pacificans for Highway 1 Alternatives, 900 supporters, and they are all thrilled with the proposed resolution and urge its passage. They support rescinding the 1999 Council resolution to widen Highway 1, support sending a letter to CCAG withdrawing the city's interest in this STIP fund currently programmed, support pursuing alternatives and a combination of alternatives to improve traffic congestion, lessen greenhouse gases and have a positive environmental impact as opposed to the Calera Parkway widening project with a highly negative environmental impact for an average delay. She stated that, in Caltrans own environmental impact report they stated that 18 years from now the average delay in peak hour traffic would be greater than it is now. She stated that it was obviously the right thing to do and they thanked PW Dir. Ocampo for his efforts to make this improvement. They look forward to the process of the community providing input to proposed alternatives developed in an independent traffic study. They were hopeful with this resolution, with the city in charge and not Caltrans, the process and outcomes will be much better for Pacifica.

Mayor O'Neill closed public comments.

Councilmember Vaterlaus stated that they know her opinion on this. She asked who says they will get the \$375,000 they were asking for because CCAG has not said they are going to give Pacifica that money. She stated that they will give \$6.9 million of all our money back to Burlingame, San Mateo or Hillsborough. She stated that we can study all we want but we don't have money to do any of the alternatives as we are giving the money back.

Mayor pro Tem Keener stated that the \$6.9 million they are giving back to CCAG for re-purposing was for right-of-way purchase.

PW Dir. Ocampo stated that the money was supposed to pay for the right-of-way phase of the Calera Parkway Project as defined in the project study report which was for the widening of the highway to add a lane in each direction.

Mayor pro Tem Keener stated that he was told by Sandy Wong that the money could not be redirected to other projects on Highway 1 and had to be sent back for re-purposing to other projects.

PW Dir. Ocampo agreed, and stated that before he approached the City Manager about this letter, he did a lot of research including consultation with CCAG, particularly the Executive Director Sandy Wong. He stated that the guidelines specify that STIP money has to be used to completely fund a phase in the project and the project has to be as stated in the project status report. He stated that, when the Council decided not to proceed with the widening, they didn't have a project study PSR, therefore that makes Pacifica ineligible for the STIP money.

Mayor pro Tem Keener referred to the re-purposing of the \$375,000 funds for the study of alternatives and asked what the chances were for getting that funding.

PW Dir. Ocampo stated that it was good. Like any other board, the board was the ultimate decision maker but staff has been working with the TA staff and the moves they are making are in line with what the TA staff is asking the city to do in order for our request to be given favorable consideration.

Councilmember Digre stated that, when she read that they were giving up all that money, she was ready to have a heart attack, and she asked questions several times to ensure they investigated every opportunity. She stated that it was the language of how things are written which gets frustrating. She understands that was how projects are written. Because they have chosen a congestion management that even Caltrans encourages in the 21st century types of modifications and solutions, she has had meetings with members of the TA in different meetings. They understand that widening is passe and the understanding of the more intelligent traffic congestion management through the smart lights that can notice when pedestrians, bicyclists or cars are there and can fix it so movement happens and they aren't waiting for an empty four-way spot and people can have time to walk across the street. She believed money for increasing the number of intelligent traffic lights through the tunnel is more promising than they might think and, regarding whether alternatives are a bad idea, the choice was whether they stick with the widening or say goodbye to that and get over the apoplexy of money or make the correct choice.

Councilmember Martin thanked PW Dir. Ocampo for all the hard work he has done. She knew he has done a lot of networking, etc., to find out what the city can or cannot do. She appreciated the suggestion to re-purpose some of the funds for the in-sync lights at Crespi and

Linda Mar, adding that they found out that they couldn't do that because the funds were specifically allocated for the highway widening project. She stated that it was the same for pedestrian over crossings, and that was why they stuck with the plan to deal with the traffic congestion management and this is our best bet. She stated that, if they were never going to widen the highway, the funds were never ours to begin with which was why she supports this.

Councilmember Vaterlaus wondered why there were no other alternatives brought forward within the last 20 years when people didn't want the highway widened. She stated that she wasn't saying the highway should be widened, but they need another suggestion and she questions when there weren't any other suggestions for them to use this money. She concluded that they were just giving it away. She stated that the people who did the highway lights said they aren't going to work in peak time so that was not a solution. She concluded that we don't have a solution and we don't have the money and they were same way with the highway backed up. She asked who was to say people in Pacifica don't want the highway widened. She stated that there was never a vote on it and they don't know that. She acknowledged that a group of people want it but the city has never said that.

Councilmember Digre stated that she was mayor in 2010 and they tried desperately through two public meetings with Caltrans to have various types of alternatives and were shut down. She stated that it was in the Caltrans report in 2014 that widening was passe.

Mayor O'Neill stated that he was torn on this one. He voted no on returning the money back because we waited so long and were paying the taxes on them and were not getting the benefit. He was in favor of studying the alternatives as that was the cards they were dealt. He stated that he wasn't against studying alternative in the beginning. He met with people after he was elected and told them he had no problem studying the alternatives and putting it to a public vote. He was reluctant to hand money back because Pacifica was chronically in need of money, but he realizes that there is no point in having a money for a right-of-way if there is no project to use the right-of-way. He will vote to support looking at the alternatives and giving the money back because we can't use the money.

Mayor pro Tem Keener moved to adopt the resolution next in order, a Resolution of the City Council of the City of Pacifica Supporting the Re-Purposing of \$375,000 of Measure A Funds, Previously Designated for the Design Phase of the Calera Parkway (Widening of Highway 1), Towards the Study of Other Alternatives, or the Combination Thereof, to Address the Peak Hour Congestion Along Highway 1 and Rescinding Resolution No. 63-99, Which Previously Supported the Construction of the Calera Parkway Project as a Proposed Widening of Highway 1, and Authorize transmittal of letter to the City County Association of Government (C/CAG) formally withdrawing the City's interest in \$6.9 Million of State Transportation Improvement Programs (STIP) fund currently programmed for the Right-of-Way phase of the Calera Parkway Project; seconded by Councilmember Digre.

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No votes - Mayor O'Neill and Councilmember Vaterlaus

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Deirdre Martin, Councilmember |
| SECONDER: | Sue Vaterlaus, Councilmember |
| AYES: | O'Neill, Keener, Digre, Vaterlaus, Martin |

1. Approval of Disbursements for 07/16/17 through 08/31/17.
PROPOSED ACTION: Move to approve attached list of disbursements for 07/16/17

through 08/31/17.

2. Approval of Minutes
PROPOSED ACTION: Move to approve the minutes of the regular meeting held on August 14, 2017
3. Proclamation Confirming Existence of Local Emergency of the Pacifica Coastline from Westline Drive to the End of Beach Boulevard.
PROPOSED ACTION: Accept current photos as of September 5, 2017 (Attachment 2) and move to continue proclamation confirming the existence of local emergency.
4. Second Amendment to the Consultant Services Agreement Between the City of Pacifica and WRA, Inc. in the Amount of \$12,002 to Complete the Environmental Review Process in Connection with a Proposed Development of 24 Condominium Units at 801 Fassler Avenue (Development Plan DP-75-14, Rezoning RZ-192-14, Specific Plan SP-149-14, Subdivision SUB-224-14, and Variance PV-512-14)
PROPOSED ACTION: Approve Second Amendment to the Consultant Services Agreement between the City of Pacifica and WRA, Inc. in the amount of \$12,002 to complete environmental review services in connection with a proposed project to construct 24 condominium units at 801 Fassler Avenue (APN 022-083-020 and 022-083-030), and authorize the City Manager to execute the contract amendment.
5. Approval of Partnering Agreement Between City of Pacifica, Sierra Mountain Construction Incorporated, and ORG Metrics in the Amount of \$90,000 for the Wet Weather Equalization Basin Project
PROPOSED ACTION: Move to approve the Partnering Agreement (Attachment 1) between City of Pacifica, Sierra Mountain Construction Incorporated, and ORG Metrics in the Amount of \$90,000 for the Wet Weather Equalization Basin Project; and authorize the City Manager to execute the agreement.
6. Approval of Agreement with Intrensic for the Purchase of Body Worn Camera System and Cloud Storage Solution in the Amount of \$168,751.70 (Attachment 1); and Authorize the City Manager or Designee to Execute All Documents Associated with the Project
PROPOSED ACTION: Move to Approve the Agreement with Intrensic and the Purchase of the Body Worn Camera System and Cloud Storage Solution in the Amount of \$168,751.70 (Attachment 1); and Authorize the City Manager or Designee to Execute all Documents Associated with the Project.
7. Authorize Execution of a Cooperation Agreement with San Mateo County for Participation in Housing and Community Development Programs
PROPOSED ACTION: Authorize the City Manager to execute the Cooperation Agreement with San Mateo County.
8. Rescind Pacifica City Council Resolution #64-2016, and Adopt a New Resolution, Extending the Sunset Date of the Illegal Fireworks Task Force to August 31, 2018.
PROPOSED ACTION: Rescind Pacifica City Council Resolution #64-2016, and Adopt a New Resolution, extending the sunset date of the Illegal Fireworks Task Force to August

31, 2018.

9. Adoption of a Resolution of the City Council of the City of Pacifica Supporting the Re-Purposing of \$375,000 of Measure a Funds, Previously Designated for the Design Phase of the Calera Parkway (Widening of Highway 1), Towards the Study of Other Alternatives, or the Combination Thereof, to Address the Peak Hour Congestion Along Highway 1 and Rescinding Resolution No. 64-99, Which Previously Supported the Construction of the Calera Parkway Project as a Proposed Widening of Highway 1.
PROPOSED ACTION: Move to adopt the resolution next in order, A Resolution of the City Council of the City of Pacifica Supporting the Re-Purposing of \$375,000 of Measure A Funds, Previously Designated for the Design Phase of the Calera Parkway (Widening of Highway 1), Towards the Study of Other Alternatives, or the Combination Thereof, to Address the Peak Hour Congestion Along Highway 1 and Rescinding Resolution No. 64-99, Which Previously Supported the Construction of the Calera Parkway Project as a Proposed Widening of Highway 1; and Authorize transmittal of letter to the City County Association of Government (C/CAG) formally withdrawing the City's interest in \$6.9 Million of State Transportation Improvement Program (STIP) funds currently programmed for the Right-of-Way phase of the Calera Parkway Project.
10. Adoption of an Ordinances Entitled "An Ordinance of the City Council of the City of Amending Article 28 of Chapter 4 (Off-Street Parking and Loading) of Title 9 of the Pacifica Municipal Code to Include Electric Vehicle Charging Station Regulations (Text Amendment TA-108-17), and Finding Adoption of the Ordinance Exempt from the California Environmental Quality Act (CEQA); and "An Ordinance of the City Council of the City of Pacifica Adding Section 8-7.04 to the Pacifica Municipal Code to Establish a Streamlined Permitting Process for Electric Vehicle Charging Stations (Text Amendment TA-109-17) and Finding Adoption of the Ordinance Exempt from the California Environmental Quality Act (CEQA) - Second Readings
PROPOSED ACTION: 1) Move to adopt the ordinance entitled "An Ordinance of the City Council of the City of Amending Article 28 of Chapter 4 (Off-street Parking and Loading) of Title 9 of the Pacifica Municipal Code to Include Electric Vehicle Charging Station Regulations (Text Amendment TA-108-17), and Finding Adoption of the Ordinance Exempt from the California Environmental Quality Act (CEQA); 2) Move to adopt the ordinance entitled "An Ordinance of the City Council of the City of Pacifica Adding Section 8-7.04 to the Pacifica Municipal Code to Establish a Streamlined Permitting Process for Electric Vehicle Charging Stations (Text Amendment TA-109-17) and Finding Adoption of the Ordinance Exempt from the California Environmental Quality Act (CEQA)
11. Adoption of an Ordinance to Amend in Its Entirety Chapter 5 of Title 7 of the Pacifica Municipal Code Regarding Flood Damage Prevention, and Finding Adoption of the Ordinance Exempt from the California Environmental Quality Act (CEQA) - Second Reading
PROPOSED ACTION: Move to adopt the ordinance entitled "An Ordinance of the City Council of the City of Pacifica Amending in its Entirety Chapter 5 of Title 7 of the Municipal Code of the City of Pacifica Relating to Flood Damage Prevention."

ORAL COMMUNICATIONS

Therese Dyer, Pacifica, stated that she has a complaint about some of the employees in Pacifica. She stated that Christine from Human Resources interrupted her when she was filling out her request for public records and said she didn't have enough staff time. She stated that she was paying her salary and she stated that, as she thought Mr. Hines was the grievance chairman, she would like to file a grievance in that regard. She referred to the back of the agenda, and asked why she doesn't put in the correct address and phone numbers for Dianne Feinstein and Kamala Harris. She also went to the Planning Commission through a good source and a person received the same information she was requesting, but she was told to go to City Hall. She stated that she also called ADA, and according to them, if you have 50 employees, you have to have a coordinator which Pacifica does not have but they mentioned that Mr. Hines was a grievance chairman. She stated that had nothing to do with that and she wondered why we don't have an ADA coordinator. She stated that, if you have a grievance against Mr. Hines himself, where do you go with that.

Mayor O'Neill stated that she also submitted a card for #16 and asked if she wanted to speak on item 16, the sanctuary city item.

Ms. Dyer felt that they better learn to run the city before they get involved in any federal issues, stating that it goes for sanctuary cities and impeaching Mr. Trump. She stated that you are not supposed to take sides whether they are a Democrat or Republican.

Tory Becker, Pacifica, stated she was a member of Pacifica Social Justice, a group which formed after the last election because of the growing attacks on immigrants, black and brown communities and the heightened racist rhetoric and actions. She stated that they decided to work on the issue of making Pacifica a sanctuary city. She stated that they began by circulating a petition. She stated that they stood in front of the pier and grocery stores for five consecutive Saturdays during April and they collected over 1,300 signatures in a short time frame. She stated that people were enthusiastic about the idea, often citing the heart wrenching stories of families being torn apart by ICE agents and wanting immigrants to feel safe and a part of Pacifica's community. She stated that most recently the petition was circulated at Oceana High School. She read the petition.

Suzanne Moore, Pacifica, stated the community well-being was dependent on the well-being of its residents and families. She stated that, when members of the community were fearful of deportation, they cannot fully participate and fear impacts their ability to work, study, seek healthcare, housing problems, increases risk of victimization and reduces likelihood of reporting witnessed crimes. She also stated Pacifica's law enforcement entanglement with federal immigration potentially diverts Pacifica's limited resources, blurs accountability between local and federal governments and raises constitutional concerns in violation of the 4th Amendment and equal protection clause. She stated that, by adopting sanctuary city, Pacifica declares support of our immigrants and reestablishes the community trust necessary for Pacifica's growth and resiliency. She asked that they adopt sanctuary city.

Blue Mirov, Pacifica, thanked Council and staff for considering this ordinance. She stated she was with Pacifica Social Justice. She stated that making Pacifica a sanctuary city would protect all immigrants, refugees and asylum seekers regardless of their legal status. She stated that it defends their legal and constitutional rights and refuses cooperation with ICE on the basis of a person's immigration status. She stated that Pacifica funds and resources, including the Police, would not be used to enforce or aid the discriminatory federal immigration laws now being

enacted. She stated that Council goals include making Pacifica a compassionate city and this ordinance will further that goal showing justice and compassionate to people in need and supporting a Pacifica in which all people are included. It would protect people seeking work in our city, referring to how many aspects of our lives are touched by immigrants, food, wine, etc. She stated making Pacifica a sanctuary city will show how much we value the immigrants who live and work here. She stated that the current federal administration is against immigrants and the laws being enacted and raids are inhumane, punitive and lack due process and it was time to do what we can to stop this from happening. She stated that we can protect our community from this dangerous track. She asked that they make Pacifica a sanctuary city for the immigrants, ourselves and the future.

Deague Gold, Pacifica, stated she is a member of Pacifica Social Justice. She referred to page 4 of the staff report on this ordinance, stating that adoption of the ordinance could place at risk all federal grants received by the city. She stated that this was fear-mongering and the effect was to pit legal protection for immigrants against necessary services for many in our community including children and seniors. She stated that the statement was incorrect, overly broad and in contradiction to statements made earlier in the report. She stated that the report noted that in defending the executive order before Judge Orrick and in subsequent memoranda, the US Attorney General stated that only DOJ and homeland security funds could be effected by the order and the order only refers to existing requirements to comply with the specific federal laws, mentioning specific Supreme Court decisions regarding what conditions cannot be imposed on congressional fundings. She then referred to what happened to Japanese during World War II, stating too few in our community stood with Japanese Americans who resisted this assault on their human rights. She felt they must learn from this and unite as a community and protect all our neighbors.

Carolyn Jaramillo, Pacifica, stated that making Pacifica a sanctuary city will recognize the contributions undocumented immigrants make to our nation and our community. She referred to the institute of taxation and economic policy of 2016, stating undocumented immigrants paid more than \$11 million in local and state taxes. She also pointed out that, in comparing sanctuary cities to others, they had fewer crimes and better economic conditions including lower poverty rates. She stated that for the past nine years, she has met with recently deported immigrants in shelters in Nogales, Mexico, and they recount the misery of a virtual death march in the dessert to give their family a better life. She met with farm workers, 70% undocumented, and seen them work in the various fields. She stated that their willingness to work under conditions most of us would not do so the next generation can have a better life was what powers our agricultural economy. She stated that our system benefits from the labor from these men and women who jumped an imaginary immigration line because we want the low cost produce, child care, etc. She stated that their work ethic, love of family and country are unmeasurable contributions to enable us to enjoy a more comfortable life. She felt we owe them and she urged Council to pass the sanctuary city ordinance.

Mark Coby, Pacifica, stated he was a member of Pacifica Social Justice. They were disappointed that Item 16 isn't being taken up, but they look forward to the opportunity to talk again when it does happen. He stated that one of the things happening as a result of asking City Council to pass a sanctuary city bill was that some members of the community seem to identify immigrants with a rising crime in a general way. He stated that there were several letters to the Editor in the Tribune that indicate that is something they need to fear. He did research and the studies that have been done do not show any direct correlation between illegal immigrants and rise in the crime rate. He stated that the immigrant community, with the inability to separate the documented from undocumented, do not show any correlation at all. He

stated that there was an organization, Center for Immigration Studies, which is against legalizing those without documentation, and in a PBS special, a spokesman for that organization, which is opposed to the undocumented being legalized, said there was no evidence that an undocumented immigrant was more or less likely to commit crimes. He felt it was nothing to fear and he proposed they vote for a sanctuary city.

Chaya Gordon, Pacifica, stated she was going to talk about immigrant students. She stated that there were many immigrant students, both documented and undocumented, in Pacifica. She stated that they were concerned about the impact of ICE enforcement on their students' ability to remain in school and the stress that ICE enforcement places on their families. She stated that increased instances of fear among the students are being reported at both Oceana High School and Jefferson Union High School District. She felt it was a burden to place on high school students. She stated that, in January, both Pacifica school districts adopted resolutions, mentioning some of the key provisions. She felt they were robust and powerful and she applauded the courage of the two local school districts to commit to justice for immigrant students, documented or not. She asked for Council's support for the proposed sanctuary city ordinance so Pacifica can also support all immigrants in Pacifica, regardless of their documentation status.

Marsha Murphy, Pacifica, stated that she would be honored and very privileged to live in a sanctuary city and she hoped they support the efforts needed to make Pacifica a sanctuary city.

Melissa Ambrose, stated she is not a Pacifica resident but she has been working in the Jefferson Union High School District at Oceana for 20 years. She was speaking on behalf of the beautiful students who attend their schools. She stated that, regardless of what the state decides, she thought it would be worth the city making the decision also. She stated that the students are frightened, mostly because they're afraid their families will be taken from them. She stated that, if they have a child, it was easy to say it was inhumane regardless of legal status. She stated that it feels that, in the last 7-8 months, she and her counterparts at the other schools have seen increased states of anxiety, stress, depression and fear. She stated that the young people need us to stand up for them. She stated that she has a letter that a students' club at the school wrote, and she wasn't sure if the procedure allows her to pass it out, but many students signed the letter asking Council to support Pacifica being a sanctuary city for many reasons, citing specifically the repeal of DACA and the precarious position to which it puts many of the youth. They were asked to put their immigration status on record and told they will be protected and now were being punished for doing something they were told could protect them.

Mayor pro Tem Keener stated that she should give it to the City Clerk.

Calima Soludin, stated she is a board member of the Jefferson Union High School District and she thanked them for hearing them. She reiterated what Ms. Ambrose said. She was speaking on behalf of their students, some who live in Pacifica and some who travel here from Daly City and other areas. She stated that there was a lot of fear, with both students and parents scared. She didn't want fear to prohibit students and parents from interacting in the schools, dropping students off, coming to campuses. She stated that they passed a resolution to help the students and parents have a sense of comfort and she extended that to the city. She understood there were federal implications. She stated that Daly City passed a resolution that fit within the federal guidelines and offered protection. She understood waiting to get more information from the state, but anything they can give to her to give to their students would be fantastic.

Andy Lee, stated he was a board member with the Jefferson Union High School District. He added to what was already said, stating that one thing we forget is the ethnic makeup of their district is predominantly non-white, including the two Pacifica schools. He felt that, because of that, it was important to pass their resolution just as the other school districts in San Mateo County have with very similarly worded language. He stated that, given the present situation, it was important for the students and families to know that they have the backing of, not just the school district, but the cities in which they reside.

Sergio Robledamadaraso, Daly City, stated he was a teacher at JUHSD and the proud offspring of Filipino immigrant parents. He offered his thoughts, mentioning that his parents, like other immigrants throughout the history of this country, worked hard to establish themselves in the U.S. Because of their sacrifice to leave the environment in which they grew up, he was able to build a life for himself in Daly City. If his parents had not been allowed to migrate to this country or were made to feel unwelcome, he would not be part of the JUHSD serving the community as a teacher. Had the country been more intolerant of immigrants then, he would not be doing what he has been doing for the last 15 years, working with many of the young people who were about to speak. He stated that many of the young people were either immigrants or children of immigrants and he was honored to help them develop the necessary skills and tools to understand and navigate the world where powerful people are making cruel decisions concerning the rights and welfare of an important but vulnerable community of immigrants. He stated that, on September 25, they will be considering sanctuary city status and will hopefully continue to explore how they can dedicate resources to support and increase Pacifica's engagement with the younger community. He stated that the immigrant community have had to listen to all sorts of harmful messages about immigration and immigrants, wildly from the White House and reverberating in the news and across their neighborhoods. At the mildest, they are communicating the notion that immigrants are somehow to be regarded with caution, simply because they didn't happen to be born on U.S. soil. He asked that they think about the messages they can potentially send. He stated that they will return on September 25 to elaborate.

Karina Gomez, Pacifica, stated she is a junior at Oceana High School. She stated, regarding sanctuary status in Pacifica, that they should be allowed to stay. She stated that her teachers, classmates, friends, neighbors should be allowed to stay. She stated that, if not the case, they should have the basic right to be able to call the police for help without fear of deportation from this country. She asked the parents to think about their children. She stated that the scariest thing in their life now should be about the math test they have to take, not the livelihood and safety of their families. She stated that she was only 16, but she knows that it was our moral obligation to stand with the people who are being demonized and marginalized in this country by the current administration. She stated that her friends are scared and she is scared, but this two minutes cannot encompass the amount of pain of this subject, and she pleaded with Council to stand with their community and protect all of us.

Art Satto, Pacifica, stated that he has been a resident for 17 years but this is his first attendance at a City Council meeting. He thanked all the people involved in the petition because they helped him get off his couch and get to a meeting and talk about this. He was born in Amachi, Colorado, which was an American concentration camp for Japanese Americans where his parents, grandparents and 120,000 Japanese were rounded up and put in prisons. He stated that their sole crime was their ancestry. He often wondered, when he was growing up and he was told about it when he was a child, if anyone helped them. His mother stated not really. Some Quakers would speak up and visit them, give them gifts. He wonder how things

could have been different if enough people had the courage to speak up then as people are doing now. He applauds all the Pacificans for Social Justice and he was proud to be a Pacifica resident.

Florence Chang, Pacifica, stated that she is a student at Oceana High School. She stated that, like those before her, she was going to be talking about a sanctuary city. She was present for the people who cannot speak or defend themselves, for those who are too afraid of outing themselves, too afraid of the people who are supposed to protect them. She stated that there is no risk for her to speak out, and she was here to say that the people are scared and they need guidance. She asked if they want to be remembered by people as the Council who passively stood by watching innocents suffer or as the Council who helped make their home and our home a safer place.

Paige Miller, Pacifica, stated he is a former paramedic working in the 911 system for AMR. He stated that, on a daily basis, he interacted and worked with illegal immigrants who had delayed medical service, would have to lie, deceive, give false names just to receive basic medical care. He stated that it was dangerous and it hurt the families and communities in which he worked. He stated that research shows that 66% of undocumented immigrants in America have been in this country for more than ten years, meaning they are already here and members of our community. He stated that removing them now would just rip apart our community, tear apart our economy and being a small tight knit town like Pacifica, doing anything we can to resist that in passing sanctuary city status was necessary.

Gloria Stofan, Pacifica, thanked them for the time to speak even though it was pulled from the agenda. She stated that immigration issues are very complicated and very sensitive. She felt those who came to the U.S. came for a better life. She stated that her parents came from Central America in the 20s and 30s, her mother as a 5-year-old and her father as a young adult. She stated that they got married, became naturalized citizens and created a life for themselves, then they also sponsored at least several families. She was thankful that immigration laws were more open at that time, but now it was very difficult and more complicated. She stated that it takes many years to become a citizen or to even get a visa. She feels strongly that City Council needs to consider Pacifica as a sanctuary city which means Pacifica becomes a place of refuge and safety and stands together with other Bay Area cities in solidarity. She stated that getting this item pulled means that they are looking at the financial piece to this. She asked that, when they discuss this and come back on the 25th, they come back with an open mind. She stated that they don't want to make this a problem for our city.

Deni Asnis, Pacifica, referred to why we need to make Pacifica a sanctuary city and specifically pass an ordinance to show that Pacifica stands behind this, stating that she was going to read words from a student at Oceana High School. She explained why she and someone she knows is not able to speak directly before the Council. She mentioned in her letter that her friend was afraid to speak even when she reassured her, so she had to support her. She also mentioned seeing videos of deportations and realized that she would be destroyed if her friend who was a huge support to her would be deported. She understands that this is more reason to speak out but she hoped they understand why they are choosing not to speak. She stated that she cannot say more than what that student stated, except that Pacifica needs to stand behind all immigrants who should be welcomed and protected.

Ellen Hage, Pacifica, stated she is a member of Faith in Action. She was honored to share the words of her friend, Ariceli Montegrand, in hope they will raise Council's courage to make Pacifica a sanctuary city. Her friend stated that we have to ask ourselves what our values are.

She stated that, as human beings, what do we want for other human beings. She stated that DACA, a policy meant to provide relief from fear of deportation for young undocumented people was rescinded and she thinks the word relief is key. She stated that she is a citizen and cannot speak for people whose relief is now gone, but she can say that as a member of a mixed status family, for immigrant families, there is no feeling of safety in this country. She stated that sanctuary means a place of refuge or protection. She stated that she watched her mother handcuffed by officers not in uniform outside their home. They waited in an unmarked vehicle for her to leave for work. For an immigrant family, there is no feeling of safety in this country. She stood in her driveway, unmoving, silent and what went through her mind was what good is her Stanford education if she has to watch her be taken. She stated that a lot of families in this country daily experience the opposite of refuge. She experienced most fear, like jumping when someone knocks on the door. She stated that she was 26 and was borne here, but home does not feel safe. Fear is what immigrant families live with. Every time they step outside, and sometimes even when they are resting in their home. She stated that this city is home for some people.

Ruthie Ofel, Pacifica, stated she wasn't sure if they heard about this, but on August 25, there was an alt-right neo-Nazi KKK rally in Chrissy Park in San Francisco but due to the city stepping up and organizing a counter protest, they were able to chase the alt-right movement out of the city. She was proud when she heard about that. She has been proud to be a resident of Pacifica until the 25th when they heard that the alt-right movement had left San Francisco to hide in a basement in Pacifica. She felt it was important to pass the sanctuary city ordinance as a message to show that we are compassionate to immigrant families, our neighbors and communities. She stated that it was important to take a strong stance that hate is not welcome in our peaceful community.

Charles Sanchez stated that he does not live in Pacifica, but he works with the hotel workers union and they have workers who live throughout San Mateo County and are impacted by the recent immigration announcement. He stated that he was born in Canada. His mother is from the Philippines and his father is from El Salvador. They came to the United States to visit a dying relative and were unable to go back to Canada because of their mixed immigration status. He stated that he grew up in Oakland and he recently graduated from UCLA. He stated that his family is still mixed status. His sister is a deferred action recipient, his father has temporary protected status and he is a U-visa holder. He stated that this category of visa is only granted to victims of crime. He remembered calling the police the evening he was assaulted and being interrogated as if he was a suspect because he never possessed a California ID. He was terrified then. He called his attorney and was able to continue filing his report. He stated that many crimes go unreported because undocumented immigrants fear they could be deported just from reporting a crime. He recalled a story of a woman who was taken after calling the cops because she was unable to communicate with the police and was put in deportation proceedings when they discovered her status. He stated that they are not just undocumented immigrants but brothers, sisters, sons, daughters, etc. He stated that one thing that continues to remain undocumented in this country is the love they have and the contributions they have made to this country. He asked that they please support a sanctuary city.

Bridget Duffy, Pacifica, stated that this was also oral communications. She supports sanctuary city and proud to be here and glad they are doing this. She also wanted to give them books and her newsletters. She stated that the new book has a posture in it, "love cannot coexist with fear." She stated that the theme is that we are all terrified now. If we count the fears in the room, it would be overwhelming. She felt it was time that we started acting, not out of fear, but out of love. She stated that is not a word usually used in government but she

thought it was time they did because we are facing serious situations. She hoped that sanctuary city goes beyond the immigrant population and supports journalists and political dissidents. She stated that the high commissioner of human rights said freedom of the press is under attack from the President of the United States. Also cited was Trump's attacks on women, Mexicans, Muslims, disabled and transgender people and warning that Trump's comments will embolden his supporters to sharpen their assaults on those communities. She stated that this was the crux of what we have to face as a community and she didn't think they can do it in a vote at this time, but suggests a lot more solidarity among us. She stated that we need to fix the holes in the boat before it goes down. She stated FDR said "the only thing we have to fear is fear itself." Eleanor Roosevelt said "everyone does better when everyone does better."

Cynthia Kaufman, Pacifica, stated she appreciated that they are considering this. She teaches at DeAnza College and she oversees the office where undocumented students get support. She stated that it has been terrifying and they are suffering from all kinds of anxiety and depression as a result of the attacks. She stated that they may think this is just symbolic, but the symbolism really matters in the sense of safety. At their school, they are putting out lots of things saying that the undocumented students are welcome at their college and she wants them to do that in Pacifica. She stated that it has a political impact. She referred to the Japanese American internments, stating that in California they got away with that internment because a lot of people didn't care. She stated that people didn't get interned in Hawaii because the community was opposed to it. She stated that what we say and do really matters in terms of the actual impact on people's lives. She hoped California passes a decent sanctuary state ordinance, but that does not get Pacifica off the hook from saying who we are in this community and adding our pebble to the pile of stones that says this is who we are and we aren't going to do otherwise. She stated the decision makes it clear that the federal government cannot punish Pacifica, such as if we get a ton of money for our police that would be at risk but money for disasters is not at risk and we should make sure that we don't hide behind that. She stated that about every 25 years, there is an amnesty in this country but that hasn't happened. She thought the idea of having young people who grew up in this country and know no other country and who are likely to be deported to countries they have never even seen is quite unusual in this country's history and she hoped we do everything we can to keep them from getting deported.

Nora Stahos, Pacifica, stated she was speaking in favor of the sanctuary city ordinance. She thought, with a lot of things in politics, there are all the questions and consequences but she asked Councilmembers to step back from that and ask the question what is the right thing to do. She understands that it is complicated with a lot to consider, but she thought they could let the answer to the question be the foundation from which they move forward. She thought Councilmembers had a duty to protect all people in Pacifica regardless of immigration status.

Remi Tam thanked Council for hearing this item. He felt it was an important item. He stated that he was a child of two immigrant parents who came from Southeast Asia after World War II, and his wife was also an immigrant from Southeast Asia. He stated that our founding fathers and everyone in our country was basically from immigrants unless you are a native American and that is the majority of our country. He felt it was a crime and disgrace that our immigration policy is so horrible that people have to go undocumented. He stated that we should have an open immigration policy. He hoped they can add that to the sanctuary city. He stated that we don't have an open immigration policy and people are desperate and have to come here undocumented. He stated that we should give them sanctuary, since some have been here their whole lives and they deport them to a country that they don't know. He didn't think it made

any sense. He stated that, regarding the legal issue, there were plenty of lawyers that can help them out dealing with the federal funds. He stated that they can band together with other California cities. The state has already geared up and filed lawsuits to prevent the federal government from calling back infrastructure monies. He stated that we are not alone and should stand strong and protect our constituents and residents.

Tom Edminster, Pacifica, stated that he has spent 27 years in public education in San Francisco. He stated that when he speaks publicly, he does not do so to win popularity contests. He stated that, when he graduated from Terra Nova High School, he wanted to give a speech about the responsibilities of citizenship, predicting the coup that happened in Chile in 1973, and they said no because people want happy endings. He felt it was incumbent on any level of government to stand against fear where fear is based on racism and xenophobia. He stated that the current presidential regime rests on fear, not on information. He stated that, in taking a stand against the hand stamped North American Free Trade Agreement which dislodged 1.6 million people from the land, it pushed them into cities and sub employment in the Michela zone and into looking for opportunities over the border. He stated that was handstamped by Democratic leaders. He stated that, when the Sensenbrenner bill proposal hit several years ago, mass media helped. Latin and brown citizens and their allies hit the streets vigorously. He stated that this last May day when people tried to exercise their civil rights to unite immigrants and union folks in this country, there wasn't that kind of mobilization because of the atmosphere of fear. He thinks standing against fear and looking at information very clearly is the responsibility of elected leaders and citizens and people who seek to inform citizens and anyone with or without job status in the United States.

Dennis Doherty stated it was an emotional issue. He stated that immigration was much bigger than just emotion. He stated that they have been trying to get a handle on it for a long time. He stated that sanctuary cities were illegal but they are going to risk funding. He stated that they have emotional people. He believes in the worth of every person, but he has been to plenty of meetings where 80 people represent all of the thousands of Pacificans. He didn't think they should take this lightly that we are a sanctuary city as there is a lot of risk involved. He mentioned working in Mission Bay in San Francisco and there were protestors in front of the gate chanting San Francisco jobs for San Franciscans. He felt immigration is a big issue and to become a sanctuary city and realize the risks of it, he felt it was a bad idea and illegal and Pacifica should speak on it. He feels for everyone but he didn't think they should be doing this.

Hal Bohner, Pacifica, stated that he was confused about the agenda. He was speaking in favor of Item 16. He thinks it is an excellent thing and was impressed that the City Council has the courage to do this and he hopes they enact it. He stated that it was very moving and he was moved by it. He cannot say anything that powerful, but he stated that this federal administration we see is on a very bad path, and not just immigrants in their sites but other people. He was reminded of a quote of someone who went through the horrors of Nazi Germany in the 30s said "first they came for the socialists, and I didn't speak up, then they came for the trade unions, and I didn't speak up because I wasn't a trade unionist, then they came for me, and there wasn't anyone left to speak for me." He stated that this effects all of us. To stand up against the federal administration in this area is even much broader than immigration, and is a thing we all have to do.

Anita Rees, Pacifica, thanked the city and community for helping them make their inaugural Palma Paloosa a wonderful event. She stated that nearly 200 people celebrated with them and helped them raise funds to continue PRC's work to provide services that include housing, assistance, food, homeless services, tax services, match savings programs so that every

Pacifican has the opportunity to thrive. She stated that it was awesome to see the Chamber's parking lot transformed into a temporary bigtop with a ferris wheel, popcorn, cotton candy, photo booth, food trucks and an awesome auction for the 7-day stay at the Golden Buddha Resort in Bali. She stated that they were getting ready for their Thanksgiving and adopt a family programs. She looked forward to giving them more information on the programs as they get closer. She stated that they were ramping up for their tax season with their first San Mateo County meeting the next day. She stated that they were recruiting for the food program coordinator who will handle all their food programs.

Bridget Duffy, Pacifica, stated she followed that protest that was happening in San Francisco to find a patriot prayer group. She didn't get it because of a lot of blockage. She stated that beyond the sanctuary city, she felt it was important to have a conversation with the police department because they are legally bound to their higher ups and it all goes up to Sessions and Trump. What she found at that protest was that the police were just as afraid of peaceful protestors as they were of the white supremacists and anti-fascists. She thought it was a big ball of confusion and no one knows who to trust. When she was up there, she thought it was a very dangerous situation with the cops on edge and violent people in the crowd. She stated that, beyond thinking of a law, there needs to be an open discussion. She hoped the Council can talk to the police and discuss the morals and that should be the bottom line in this situation. She stated that, whether there is a law passed or not, she hoped there will be a conversation because we are all on the same side. Pacifica is a peaceful place but in her neighborhood, she sees violence erupting against her Latino neighbors, eggs being thrown. She felt it was serious.

Mayor O'Neill clarified that there will be no action on Item 16 at this meeting which has been postponed to September 25. He called a five-minute break then resumed the meeting.

COUNCIL COMMUNICATIONS

Councilmember Martin stated that this weekend is Coastal Cleanup day, the largest worldwide, and they are having cleanups at every beach. She suggested that they sign up on Pacifica Beach Coalition's website. She was accepting help for her commitment to the waste collection site. She stated that there was a celebration at Linda Mar State Beach in conjunction with the Pacifica libraries. She stated that there were reports of a lot of different homeless encampments at Rockaway, on the path towards the pump house and reports of people washing their clothes in San Pedro Creek behind the Linda Mar Shopping Center. She asked Public Works to go out, stating she has received some pictures. She stated that the Beach Coalition does occasionally send out 911 teams but some require shovel and trucks. She stated that, if they see anything, let them know. She mentioned that there were several vacancies on committees and commissions, specifically Beautification Advisory, Planning Commission, Emergency Priority and Safety Commission and three for the Economic Development Committee. She asked that they apply.

Councilmember Digre stated that, for the airport issues, the San Francisco Roundtable has a legislative subcommittee starting and they are meeting the following day. She mentioned that, with the lawsuit by Phoenix, the judges have come forward with announcements that have positive things that could help us and they will be studying it. She mentioned that it was a public meeting. She mentioned that Colma Creek was also having a meeting the following day in South San Francisco. She stated that Open Space meets on the third Wednesday at the Pacifica Police Conference Center. She asked the starting time.

City Clerk O'Connell thought it was 6:30.

Councilmember Digre referred to the history of Vietnam and the controversy over that war, and stated that Mr. Burns has put together a great documentary which goes into the Vietnam controversy and war and has never been looked at. She thought we should watch it on the 17th as it might be helpful to see that serious issue and controversy in our country, mentioning that soldiers that came back were spit upon and she thought it was worth the learning experience. She stated that the county Rancho Fiesta days were coming up on the 16th. She stated that we have unique history here and the county was stepping up to renovate that historical building and take care of the history with the addition of two new classrooms. She concluded that they are doing a great upgrade while keeping the history as is.

Councilmember Vaterlaus stated that Wednesday was the Library Advisory meeting but she will be in Sacramento for the League of Cities. She stated that she has spoken to a lot of people about issues in the town, specifically the roads which appear to be the most important issue. She hopes everyone enjoys the upcoming events, such as FogFest.

Mayor O'Neill stated that he attended the Beautification Committee meeting with a presentation from the Rotary Club on what they would like to do on Palmetto regarding the planters and what plants they would like to put in them. He went to someone's home to talk and listen to the airplanes and following that he had a conversation with Bryan Perkins, Jackie Speier's chief of staff. He heard some of the items they are working on, such as a better method of communications to public on what is happening by bringing it down to a level that everyone will understand, such as newspapers that are at the 4th grade level. He stated that Mr. Perkins told him that the Phoenix decision, where they won the lawsuit over the FAA over airport noise, has very little to help Pacifica. He went to the 50th reunion of the Wilderness School, which is part of the Jefferson Union High School District. He stated that, if a child cannot learn through the traditional methods, they learn through community service, etc. He gave them a proclamation but didn't run it past Council because he only had two days' notice. He stated that he and Mayor pro Tem Keener attended Congestion Management but there were no big issues. He got a call from the Linda Mar Convalescent Hospital because they wanted to meet the mayor. He went to the Council of Cities dinner which was interesting. He went to a Home for All meeting in Belmont. He stated that he has been talking to a film maker for several months and gave them a tour of Pacifica following which they decided to use Linda Mar Beach for filming in March or April. He stated that three of them were judges for the Chile Cookoff and they tasted the best chile and best chowder in Pacifica. He urged everyone to go to the FogFest on the 23rd and 24th.

Councilmember Vaterlaus thanked Public Works. They asked for a sign to be put up at the exit from Highway 1 near McDonald's that comes out onto Palmetto which was very dangerous and within one day they put up two signs stating that cross traffic does not stop. She felt that was a lifesaver.

Councilmember Digre stated that the 16th was also the third Saturday and the Democrats have their meeting which is open to the public. She thought there will be a panel for those for and against rent stabilization, Measure C.

Mayor O'Neill referred to comments on the demonstration in San Francisco that moved to Pacifica. He stated that he got a phone call from the mayor's office in San Francisco to give us a heads up. The Chief of Police was working with fellow officers and the biggest issue they had was that they didn't know where they were going to have a rally in Pacifica. He stated that we

were lucky that only about 12 showed up. He also thanked the San Francisco mayor's office, adding that he thought they would have sent help if we had needed it.

STAFF COMMUNICATIONS

Interim City Manager Breskin mentioned that the Public Works Director, the Asst. City Manager and he met with Caltrans representatives the previous week. The issue raised was the slide area on Highway 1 and the K rails that have been there since January. They went to look at the site, checked with PR Dir. Ocampo and Caltrans asked for a four-week period to analyze repair concepts, a schedule and funding for it to eventually remove the K rails. They will be working with them to take care of that eyesore on Highway 1.

Mayor O'Neill stated that he has been asked about the status of the new traffic lights on Highway 1 at Fassler and Reina del Mar. He asked if he had an update.

PW Dir. Ocampo stated that this morning he had a phone conference with In-Sync and Caltrans and they were trying to iron out the issues regarding the encroachment permit. He stated that the hardware has been delivered and they were working with Caltrans, primarily the old poles and he thought they were getting there, looking at all the options and they will have a followup phone conference the following week. They hope to finally put the units up.

CONSIDERATION

Item #12

City Attorney Kenyon presented the staff report.

Mayor pro Tem Keener asked how much severance does he have.

City Attorney Kenyon stated that the contract provides for a six-month severance if the Council were to terminate the City Manager without cause. If the City Manager were to resign or retire of his own volition, there would be no severance payment.

Mr. Woodhouse stated that he will be brief because he knew they have a full agenda following this item. He was honored to be considered for the next City Manager and was excited to begin working in Pacifica and engage in listening to the community on important issues such as work plans, goals, etc. He stated that the former city manager and interim city manager have made great progress and he humbly hoped to continue that progress into the future.

Mayor O'Neill opened public comments and, seeing no one, closed public comments.

Councilmember Martin moved to Adopt Resolution No. ____-2017 Appointing Kevin S. Woodhouse as City Manager and Approving the Employment Agreement Between the City of Pacifica and Kevin S. Woodhouse; seconded by Councilmember Vaterlaus.

5-0

12. Consideration and Adoption of Resolution Appointing Kevin S. Woodhouse as City Manager and Approving the Employment Agreement Between the City of Pacifica and Kevin S. Woodhouse

PROPOSED ACTION: By motion: Adopt Resolution No. ____-2017 Appointing Kevin S. Woodhouse as City Manager and Approving the Employment Agreement Between the City of Pacifica and Kevin S. Woodhouse.

PUBLIC HEARINGS

13. Amendment of Use Permit (UP-080-16) and Site Development Permit (PSD-816-16) Related to the Construction of a 2.1-Million-Gallon Capacity Equalization (EQ) Basin and Associated Structures at 540 Crespi Drive in Pacifica.

PROPOSED ACTION: Move to **APPROVE** the amendment of Use Permit (UP-080-16) and Site Development Permit (PSD-816-16) and Addendum to the Wet Weather Flow Equalization Basin Project Final Mitigated Negative Declaration/Initial Study by adopting the attached resolution, including the Addendum provided in Exhibit A to the resolution; and, incorporate all maps and testimony into the record by reference.

Asst. Planner O'Connor presented the staff report then Ken Barry of 4-Leaf Construction presented a slide show, followed by Jeff who explained the structural part of it.

Mayor pro Tem Keener asked what the purpose of the bentonite.

Jeff Tarantino stated that the bentonite was a temporary measure to hold the excavation open. Instead of a traditional shoring system, they use the bed night fluid to hold the excavation open.

Mayor pro Tem Keener stated that they have all received letters from residents of the senior housing across the street who claim that around 4:30 or 5:00 a.m. they are hearing construction traffic, mentioning the beep of back up alarms. He knows this has been brought to their attention, but he asked if he had any idea of what was going on.

Gene Barry stated that he wasn't sure if the question was the same incident that happened with the senior apartments, but there was a period August 30, 31 and September 1 where a supplier was delivering materials to the site early in the morning before anyone was at the site. He stated that Recology who does the garbage pickup at the community center and the driver had left the lock open on the access gate. They saw the open lock and they thought they could get access into the site. They first heard about the complaint about 6:00 in the morning and they had the construction manager speak to the resident and make sure they had his number to call him directly. They heard the complaint, investigated it, as they didn't know if it was normal as garbage pickup has to come earlier as the site access was changed or if it was food deliveries to the Community Center. They determined it was a supplier and they were given a verbal and written notification that there was no truck traffic allowed at the site prior to 7:00 a.m. and no vehicles or equipment for the project before 8:00 a.m. He stated that they have complied. He didn't think it has happened since then, as the inspector has been there early in the morning and he hasn't observed anything and they think it was an isolated incident and was not a reoccurring problem.

PW Dir. Ocampo stated that he wanted to be sure they had a copy of the response he provided to one gentleman who made a complaint and he asked the City Clerk to distributed it to Council. He stated that they have responded to the email and the response was sent today in the afternoon.

Mayor O'Neill opened the public hearing.

Bridget Duffy, Pacifica, stated that she has to comment as we are at a point in history where everything is changing. She stated that we are putting \$20 million into a concrete basin which is at a shortage as they heard at the sea level rise. She also stated that use of concrete to the degree it is being used now was one of the major causes of climate disruption. She was advocating that they start to think about these things.

Mar Hirsh, Pacifica, stated that he lives on Anza behind the construction and he works in the IT field. He stated that it was a privilege to work from home but the privilege has been taken from him since the construction started. He played the recording of what he hears eight hours a day from the construction site. He stated that it makes it difficult for him to concentrate and do his work. He stated that now they are proposing to increase the length of time they work during the weekdays as well as add Saturday, which they had promised otherwise when they started this project. He asked how they would feel if they were being awakened every morning with this noise. He stated that this was how he feels and he hoped this measure will not pass.

Amanda Hall, Pacifica, stated that she didn't have much more to say following his comments, but she wrote the email about the early morning beeps that woke them up three days in a row. She stated that she works from home one day a week on Fridays which was the day she sent that email. She mentioned a saying from England, "it's doing my head in" and explained that on hearing that beep from 8:00 in the morning until 12:30 she couldn't concentrate. She stated that her head felt like it was going to explode and she asked that they not do it on Saturdays because they can't handle it. Based on the comment from the man who spoke to them and mentioned that they haven't even started digging yet, she concluded that it will only get worse.

Jessica Jimenez, Pacifica, stated she and her husband own the home right behind the construction zone and they are asking the Council to enforce what was agreed upon previously, Monday through Friday, 8:00 to 5:00. She stated that they attended the Commission and Council meetings and that was how it was sold to them, but it was horrible now and they were suffering with the noise pollution. She stated that she has a recording of all the noise which is extremely disruptive and stressful. She stated that her husband works from home and they have to shut all their doors and windows for him to conduct his conference calls and video conferences as the noise can be heard on the phone and computer. She stated that even the dogs are barking nonstop. She asked that they not approve Saturday construction.

Mayor O'Neill closed the public hearing.

Mayor pro Tem Keener stated that the email he got was not from Amanda Hall but someone else who was saying the same thing. He asked if the extended hours would apply to the street work necessary to bring the pipes in to the equalization basin.

Ken Barry stated that it will not as it was only tied to the critical parts related to the concrete wall construction.

Mayor pro Tem Keener asks what is spending all its time backing up and beeping.

Ken Barry stated that it could be a myriad of equipment such as cranes when they rotate the clam shell bucket when it rotates to the next panel. He stated that it was a requirement as with large equipment you want to make sure you have the backup indicators.

Mayor pro Tem Keener realizes that they made a contract with the neighbors regarding the

hours of work. He stated that they have heard from the contractor and project manager that they can't get the project done in time because of the concrete shortage and now Council is left holding the bag. He stated that they will hold the bag but they are not happy about it. He stated that they realize it is not their fault of our fault but the whole project got delayed long enough that only with the expedited types of actions can they get it done before the deadline of January 1, 2019.

Councilmember Martin stated that she did get their emails. She stated that the only consolation they have is that the project will get done sooner if they add the days, but she understood that it doesn't give them any respite. She stated that, in support of the city, when she was serving as a commissioner for Parks, Beaches and Rec, the dog park was a huge thing and very controversial. She stated that she wanted to make sure what everyone understands and remembers that when you buy a piece of property next to a piece of property owned by a city and it is an open field, no one is going to want that developed and everyone is going to be upset no matter what goes on in that space. She did site visits then, and she understood that the dogs were barking and they have to close their windows, and there is dust with urination from dogs. She got it, but she understood the city's point of view that they own the property and can do what they want with it. She stated that they are unfortunately in that situation now. She wanted to point out that there are two sides and the only consolation is that adding the days will help to get it done quicker. She understands that the beeping is annoying, mentioning that she knows what time she is getting up on trash days. She gets that they are dealing with it all day. She knows it is awful and she is sorry but unfortunately she thinks they have to do this.

Councilmember Vaterlaus asked if there was any way of doing the work in less than the eight additional days they need.

Ken Barry asked if the eight days are for the Saturday work.
Councilmember Vaterlaus responded affirmatively.

Ken Barry stated that they could not because they have a select number of panels which was based on the production the contractor can get to excavate the panels, etc. He stated that it was a sequential process and takes time. They don't want to rush and have worker safety be a problem.

Councilmember Vaterlaus stated that she feels for the neighbors.

Mayor O'Neill asked the member of the audience to refrain from speaking because it was Council's time to speak.

Councilmember Digre referred to the beeping, stating that she was sure there were regulations for that but, because of the increased time they need to have, she asked if there was an alternate to the beeping. She was sure it was for safety reasons for anyone being behind the apparatus, but she asked if they could have a person signaling that they are backing up rather than the beeping all day.

Ken Barry stated that he didn't believe so because it was an OSHA requirement for worker safety.

Councilmember Digre stated that she is a stickler and knows the motive was that no one gets smashed by the machine and beeping was one method and she thought maybe the answer would be too expensive.

Ken Barry did not think it was allowed and they have to have the verbal notification and auditory warning.

PW Dir. Ocampo stated that it was required by law to have that beeping to warn the workers for their safety. He added that, as they are trying to address the noise, as part of the project was an extension of the sound wall. He stated that the sound wall was originally along the southern side and they added one towards the westerly side because of the houses along Anza going beyond the community center parking lot which was the additional effort they are doing to address the sound issue.

Mayor O'Neill stated his understanding is that they want the increase through November and he assumes that November through February was due to rainy season.

Ken Barry stated that he was correct, adding that they will be doing excavation of the basin at that time.

Mayor O'Neill asked what noise level will be there from November through February.

Ken Barry stated that you will still have heavy equipment operating with excavators removing the soil from the basin with trucks being loaded and traveling from the site. They will still have back up indicators because it is an active construction site. While it will be a different operation, they will still have heavy equipment use.

Mayor O'Neill asked if there was any different audible warning that OSHA allows and they could retrofit the vehicles with.

Ken Barry stated that not for the auditory. He stated that they have several mitigation measures in the plan for noise reduction which includes reducing idling times of equipment when not in use, etc., but that is the sound for large construction equipment. He understands the concern of the noise and they are taking daily noise measurements inside and outside of the wall. He stated that it is consistent with what they anticipated it would be for that type of equipment and he acknowledged that the closer you are to the site, the louder it will be, but it does attenuate with distance from the project.

Mayor O'Neill asked that PW Dir. Ocampo extrapolate as to the implications if they did not grant the change of contract.

PW Dir. Ocampo stated that the issue they have is the structural integrity of the basin. They want to make sure that it is able to achieve the maximum strength they can get. He stated that, if they were to introduce cold joints that are not designed for what happens, they run the risk of leaks which was not what they want. He stated that additionally they are trying to meet the schedule to avoid being fined by the regional board, which is a hefty fine.

Mayor O'Neill asked if the projected finish date was December 2018.

PW Dir. Ocampo responded affirmatively.

Mayor O'Neill asked if there was a date when they thought the majority of the noise will stop.

Ken Barry thought the majority of the noise would probably stop around August. He stated that they will still have equipment when they do the restoration of the parking lot and they have to

place a lid on the structure but once they are out of the excavation phase of the basin, they noise levels will start to go down a little bit. He added that he cannot give a quantitative number but they will reduce, as the less equipment on site the less noise there will be.

Mayor O'Neill asked if they could start a little bit later on a Saturday because traditionally people try to sleep in on Saturday.

Ken Barry stated that their proposed time is 9:00 a.m.

Mayor O'Neill asked if they could start at 10:00.

PW Dir. Ocampo stated that the Pacifica building code allows a start time of 8:00 and they are already considered that which was why they were starting at 9:00.

Mayor O'Neill asked when it ends on Saturday.

PW Dir. Ocampo stated that it is 5:00 p.m.

Ken Barry stated that heavy equipment use would stop at 4:00 p.m. because they have asked for an hour of clean-up, so there is non-heavy equipment operation from 4:00 to 5:00 p.m. on Saturdays.

Mayor O'Neill referred to a document that said on the weekend the level of service on Highway 1 was D and sometimes F. He stated that they will be doing this in September and October which is the nicest weather in the Bay Area and there will be quite a bit of people on the beach. He didn't know how many deliveries they will get on a Saturday, but given the traffic, he asked if they are getting 10 and they are at 8, will they go past 5:00 at that point.

Ken Barry stated that the estimate, based on the volume of concrete in each panel, is 20 truckloads per critical concrete for the slurry wall panels.

Mayor O'Neill asked if they pour one a day, on a given Saturday despite the traffic on Highway 1, they will have 20 truckloads coming in.

Ken Barry stated that, if a critical pour falls on a Saturday, they will.

Mayor O'Neill asked if there was anything they can do to try to mitigate that, instead of Saturdays, those pours are done later in the day or mitigate it in some way.

Ken Barry stated that they could not pour on Saturdays, but the central issue they are facing is that they cannot dictate to the concrete suppliers when they are getting the concrete which is the crux of the problem. They tell them that they must take the concrete when they have it available. He stated that normally they will have a backup batch plant that they can use as a backup supplier if their primary supplier goes down, but they are not doing that. If you are not named as their primary supplier, they will not give you concrete. He stated that the more restrictions they place on the concrete suppliers, they will say they will give it to someone else. He stated that you take the concrete when you can get it.

Mayor O'Neill stated that it throws them into past the deadline and possibly a fine from the Bay Area Quality.

Ken Barry agreed that the water regional board. He stated that the central critical issue is making sure they pour that panel that day and get it done.

Mayor O'Neill concluded that this was all things that could not have been seen beforehand.

Ken Barry agreed that they did not foresee this continued level, stating that it has gotten worse and worse. They didn't anticipate this level of continued shortage in the concrete supply. He stated that normally you can pour these kind of panels in a six-hour window which was what they think they can do, but they don't know when that window can start and end each day. He explained that, if they limit it from 9:00 a.m. to 3:00 p.m. and the concrete supplier doesn't give them concrete starting at noon and they have a six-hour window, that was the need for the extended hour on the back side of it.

Mayor O'Neill concluded that they would be in violation. He asked if there was any insulation they can add to the sound barrier to mitigate it.

Ken Barry stated that, as mentioned by PW Dir. Ocampo, they extended the sound wall on the side closest to the skatepark to mitigate and attenuate some of the noise that would be hitting the residents to the southwest of the project. He stated that the problem on the east side of the project was that it was an environmentally sensitive area they can't go into and can't build a sound wall there. He stated that the basin itself goes up against the limit at that side of the parking lot and they can't work in that area and can't put a sound wall on that side.

Mayor O'Neill concluded that there was no way to put insulation on it.

Ken Barry stated that they can't put a sound wall in that area. He stated that they have extended it as far as they can without encroaching upon the environmentally sensitive area.

Mayor O'Neill asked if that was the southwest.

Ken Barry stated that it was the southeast corner.

Mayor pro Tem Keener referred to mention of the noise levels on the construction side of the sound wall and on the other side. He asked what those were.

Ken Barry stated that inside of the sound wall, there are around 70-80 decibels and on the other side of the wall, he didn't have them memorized but thought they were 60-65 range, so they are seeing around a 15-18 decibel attenuation of the sound. He added that the measurement they took across the street in front of the senior apartments were around 65 decibels.

Councilmember Martin asked that he double check the OSHA standard because she saw something that might allude to if there is a human audible noting a back up, then you may be able to go without having those beeping sounds. She didn't know if they are easily turned off, but she was seeing something that she will send to them. She stated that it looks like it is from 1980 and maybe hasn't been updated, mentioning the document title. She asked that he doublecheck on that because, if there is a way they can eliminate some of the noise, that would be awesome. She stated that it sounded preposterous to her that they wouldn't have that, given the dangerous situation. She stated that she works with longshoremen and people get rolled over. She stated that it was a smaller site. She asked that they look it up.

Ken Barry stated that they will.

Mayor O'Neill stated that he was reluctant to approve this but, given the fine the city will be facing, it is difficult to not approve it.

Mayor pro Tem Keener moved to APPROVE the amendment of Use Permit (UP-080-16) and Site Development Permit (PSD-816-16) and Addendum to the Wet Weather Flow Equalization Basin Project Final Mitigated Negative Declaration/Initial Study by adopting the attached resolution, including the Addendum provided in Exhibit A to the resolution; and incorporate all maps and testimony into the record by reference; seconded by Councilmember Martin.

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Mayor O'Neill asked that they take into consideration what Councilmember Martin asked.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | John Keener, Mayor Pro Tem |
| SECONDER: | Deirdre Martin, Councilmember |
| AYES: | O'Neill, Keener, Digre, Vaterlaus, Martin |

14. Introduction of an Ordinance to Repeal and Replace Article 4.5 of Chapter 4 of Title 9 of the Pacifica Municipal Code (PMC) and to Amend Various Other PMC Provisions to Conform with Amendments Enacted by the California Legislature to Government Code Section 65852.2 Concerning Accessory Dwelling Unit Permitting by Local Agencies (Text Amendment TA-105-17), and Finding Adoption of the Ordinance Exempt from the California Environmental Quality Act (CEQA); the Planning Commission Recommended Approval of the Ordinance by a Vote of 4-1 on August 21, 2017.

PROPOSED ACTION: Move to continue the public hearing to the City Council's regular meeting of September 25, 2017.

Planning Director Wehrmeister stated that the recommended action was to continue this item to September 25.

Councilmember Martin asked why they were doing that.

Planning Director Wehrmeister stated that it was because of the long agenda. They noticed that it needed to be on the agenda but the recommendation was to continue it.

City Attorney Kenyon stated that they need to continue it to a date certain so staff does not have to re-notice.

Mayor pro Tem Keener moved to continue the public hearing to the City Council's regular meeting of September 25, 2017; seconded by Councilmember Vaterlaus.

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| RESULT: | TABLED [UNANIMOUS] | Next: 9/25/2017 7:00 PM |
| MOVER: | John Keener, Mayor Pro Tem | |
| SECONDER: | Sue Vaterlaus, Councilmember | |
| AYES: | O'Neill, Keener, Digre, Vaterlaus, Martin | |

CONSIDERATION

15. Council Consideration of and Direction on Regulation of Alternative Financial Service Businesses

PROPOSED ACTION: Provide direction to staff regarding regulation of alternative

financial service businesses in Pacifica.

City Attorney Kenyon presented the staff report.

Mayor O'Neill referred to her mention of some options regarding regulations of numerical number and regulations imposing a permanent ban, and he asked if it was possible to put something in limiting it to three and are restricted to their current locations and, if they close, the number goes down to two and they lower it each time until they go away.

City Attorney Kenyon stated that she didn't want to say it would go to zero, but she thought they could lower the cap as businesses are eliminated. She stated that, at this point, she wouldn't be comfortable with saying that they could eliminate it to zero because it would be a ban and they were recommending the numerical cap option. She stated that, at this moment in time, it was effectively the same as a ban because with a ban, you could not eliminate existing businesses.

Mayor O'Neill asked if they can restrict them to the location where they are currently operating.

City Attorney Kenyon thought they can explore that. She didn't see why they couldn't, but she hasn't considered that option but they can consider that in drafting.

Mayor O'Neill stated that, if they close, they cannot move somewhere else.

Councilmember Vaterlaus asked, if they limit it to three and one goes out of business, they would come back and limit it to two.

City Attorney Kenyon responded affirmatively. She added that would be the way that she would recommend doing it. She stated that it does require some oversight by staff to monitor when these businesses go out of business but that would be her recommended way to deal with the issue of whether they can reduce the cap. Her suggestion was that, rather than try to come up with a creative drafting language, they simply direct staff that once any of the three go out of business, they bring it back to the staff and Planning Commission and ultimately the Council to lower the cap.

Mayor O'Neill asked if they are required to get a business license.

City Attorney Kenyon responded affirmatively.

Councilmember Martin concluded that if another one closes, it will go down to one, but maybe not to zero.

City Attorney Kenyon responded affirmatively.

Councilmember Martin understood it would require monitoring, but she wanted to be sure that the business licence cannot transfer. She stated that if she owned the business, she died and her daughter wants to take it over, it was a new name. She asked if they could limit it once the original licensee was gone or if they go bankrupt and someone wants to bail them out.

City Attorney Kenyon stated that she could talk with staff about that, but her concern was that they don't have any existing regulations currently that would allow for that. She mentioned that, with the marijuana operations, they did address that in the comprehensive licensing and

permitting schemes. She thought they might have to do something similar to that which is a bit more complicated, but they can talk about it.

Councilmember Martin thought it would be worth it to look into the complications because these are businesses that are predatory. She stated that the owners would say it was in the family and they may want to keep it. She felt they should explore that.

Mayor O'Neill agreed, but he thought most of them were fairly large corporations.

Councilmember Martin asked if it was like a franchise, like Roundtable, and if it goes out of business someone else can buy it.

Mayor pro Tem Keener asked if these were large corporations.

City Attorney Kenyon stated that she did not know.

Mayor O'Neill stated that he has seen branches of the ones that are here.

City Attorney Kenyon stated that Payday Lenders are in a number of jurisdictions as Payday Lenders and she imagined that they are either one large corporation or they are franchises.

Mayor pro Tem Keener asked why they don't have a permanent ban. He stated that a few cities have instituted permanent bans. He asked if she thought it was too soon.

City Attorney Kenyon stated that the only reason she was not as comfortable was because there has been no court case that has definitively said a permanent ban is legally allowable. She didn't say that she couldn't draft regulations to the best of her ability to support a permanent ban, but she would focus it on the negative impacts associated with that to try to get it into a land use perspective. She stated that was why she had no issue with the numerical cap because they can address those easily through land use concerns, location over concentration. She thought, with a permanent ban, you are essentially taking into account land use concerns but most likely attacking or addressing the business itself as opposed to its impacts. She was not saying she couldn't do it, but that was where they would have to go and she was more comfortable with the numerical cap because it has been tried, tested and true.

Councilmember Digre asked if it was difficult to monitor when a business goes out of business.

City Attorney Kenyon stated that she would ask the Planning Director.

Planning Director Wehrmeister stated that all business licenses are processed by the finance department and they send them over to Planning to get signed off. She thought that, through the business licensing tracking program, she thought they had the ability to set up an alert that would tell them that this was a transfer if they draft the ordinance that way or somebody is trying to get a business license somewhere else in town or it closed for three months and now someone else is trying to reopen one.

City Attorney Kenyon thought the question was, if they just close, whether there was any way to monitor whether or not a business has closed.

Planning Director Wehrmeister stated that she would need to check with finance to see if they ever get a notification, as Planning does not.

Councilmember Digre asked if they have to pay fees.

Planning Director Wehrmeister thought they would notice if they are not paying any more tax, but she didn't know if there was something that was triggered at that point.

City Attorney Kenyon surmised that, because they only have three businesses, even if there isn't a method that currently exists, it would not be difficult to create some sort of monitoring program to figure out when one of these alternative financial services or payday lenders have gone out of business. She stated that it sounds like they will have to create that monitoring program. She stated that they can explore that when they bring it back to the Planning Commission and then to the Council, they may have a better answer to that question.

Councilmember Digre was shocked that when a business in town doesn't pay its taxes that some kind of a red alert would not go on the computer to say something.

City Attorney Kenyon stated that this was a question they can ask the Asst. City Manager or get more information from the Finance Department and answer that question when they bring it back.

Planning Director Wehrmeister stated that Mr. Hines was on his way up.

Councilmember Digre stated that she was wondering not just in terms of this but in all businesses.

Asst. City Manager Hines stated that they do notice when businesses do not renew their business license and they will come up with some sort of reason, either they have gone out of business or derelict in paying their fees. He stated that they will follow up with some sort of investigation as to the delay in paying the fees and that was typically when they find out that a business has gone out of business.

Councilmember Vaterlaus concluded that was only once a year.

Asst. City Manager Hines agreed, adding that if there was a way to track these three businesses they will figure out a way to track the three businesses.

Mayor O'Neill opened public comments.

Bridget Duffy, Pacifica, stated that she did some research on them and they were all corporations. She went to the one in Linda Mar, but it was definitely worse seeing because on the wall in Spanish and English, if you borrow \$2,500, the fee for borrowing that is \$3,700, so you have to pay \$3,700 back plus the \$2,500 back. She stated that it was all going to a corporation called 800 Loan Mart which was owned by one person, a CEO from LA who is a Wall Street hedge fund guy, but there was a higher national umbrella called Check into Cash which was owned by one man in Tennessee who was a white supremacist. She stated that his bank is Bank of America. She stated that they manage to do this by getting licenses from each state. She stated that, in California, they are licensed by the Department of Business Oversight pursuant to the California Deferred Deposit transaction law. She stated that this was an instance where lobbyists have gotten our legislators to essentially pave the way for these individuals to completely skim off millions of dollars. She stated that, with Check into Cash, he makes \$500 million every year. She stated that this was coming directly out of our pockets as

consumers, citizens. She stated that it is devastating our economy. She didn't know why it has gone on as long as it has, but she was proud of the high school students who came in and brought it up to the City Council and was extremely proud of the Council and Pacifica for taking it on. She thought they have to go further and provide alternatives to these places if they want to run them out of business. She mentioned Bernie Sanders talking about making Post Offices into financial service places. She stated we have to provide alternatives for poorer people who cannot afford bank accounts and are making \$10/hour and don't make enough to pay rent and they have to borrow \$200 and pay back \$600. She felt this was ridiculous and there was no way to survive in that economy. She was glad they were looking at it and she wished them luck.

Eduardo Gonzalez, Pacifica, stated that the youth were going to speak but it got late. He wanted to make sure they are putting their health first. He was speaking on behalf of the Youth Leadership Institute Club at Oceana High School as their adult adviser and he partners with Carina, Florence and Sebastian who presented a couple of months ago on the paylending establishments. He read the message from them, then presented a memorandum regarding ordinances addressing payday lending that can give them more information on the alternatives and an approach for a permanent ban. He stated that he also has some resource guides that talks about what payday lenders do and outlines resources in Pacifica and San Mateo County for people interested in other resources.

Remi Tam, Pacifica, thanked Council for addressing this issue. He stated that this is worse with rich people taking money away from the poor which is a reverse Robin Hood and an amoral thing. He was glad they were addressing this. He stated that there are a lot of things on the internet with popup lending. He asked if staff could put together a resource list for poorer people who are having problems getting standard loans from banks that would help with alternatives and put these lenders out of business.

Mayor O'Neill closed public comments.

Mayor O'Neill referred to the mention of having the maximum of three but it would be lowered. He stated that the City Attorney indicated that it would come back to Council each time someone closed. He was concerned that, if one closes the first of the month and they don't find out about it for a couple of weeks, as they aren't sending tax money every day and then it is not on the agenda for them to amend and there is a 30-day period to take effect and all of a sudden there is a window of 2 1/2 or 3 months that someone could open up under the old rules. He asked if there was a way to make three automatically two.

City Attorney Kenyon stated that they could be creative. She didn't have a problem with a numerical cap that is less than three or two but a problem with a numerical cap that might go to zero. She stated that, on hearing the issue they might have with monitoring and timeliness even if monitoring, she was thinking that they could come up with language that would impose a cap of two but would allow existing businesses to continue to operate.

Mayor O'Neill mentioned being grandfathered.

City Attorney Kenyon continued that when they find out that a third business has closed, they could come back and reduce it to one.

Mayor O'Neill stated that would be his preference.

City Attorney Kenyon stated that was a good suggestion to address the issues that she has heard the Council raise.

Mayor pro Tem Keener asked why they don't set it at one to begin with.

City Attorney Kenyon stated that she would look into that. She stated that the reason she didn't recommend that was because she has not thought of that yet. She stated that now they could set it at two, and that would not be an issue, but she hasn't fully thought through the concept of one and where would that one be. She stated that she will explore that.

Councilmember Martin asked if she said they would set the cap at two or one and when something closes, that is it. She asked if it was closed or when they want to renew their business license.

Mayor O'Neill stated that what prompted the question was if they close September 1 and the city does not find out about it for two weeks. It has to go on the Council's agenda to amend the ordinance. They amend the ordinance and there is a 30-day period before it is effective and you are giving them almost a two-month period where someone could come in, open a new one under the old regulations. They were talking about automatically changing to two as suggested by the City Attorney and then one as suggested by Mayor pro Tem Keener.

Councilmember Martin asked if the ordinance would allow for that adjustment.

City Attorney Kenyon stated that, in the ordinance, the cap would be two or one but would allow the businesses who are currently operating to continue to operate.

Councilmember Martin asked until when.

City Attorney Kenyon stated until they cease operating. She stated that it would not be until they have to renew a business license. They would have to voluntarily determine that they no longer want to operate in the city.

Councilmember Martin stated that, if they want to renew their business license, can they put a red flag on, if it changes from Deirdre Martin to Nova Martin that it was no good.

City Attorney Kenyon stated that was something she has to look into as well.

Councilmember Martin stated that was a way to get around things.

City Attorney Kenyon stated that it was a very good suggestion but it raises other issues like generally land use entitlements, even if a business license, run with the land, not with the owner or operator but with the entitlement for the business.

Councilmember Martin thought business license application is different than land use.

City Attorney Kenyon agreed, but added that they were still talking about eliminating the right to conduct that type of business.

Mayor O'Neill stated that he didn't want to interrupt but it was 10:43 and they need to take a vote on whether or not they are going to extend past 11:00. He suggests 11:30 since there is only one other item on the agenda.

Mayor pro Tem Keener moved that City Council extend deliberations until 11:30; seconded by Councilmember Vaterlaus.

5-0

Councilmember Martin stated that she hoped they would see something that would eliminate the same situation they would have with marijuana. She felt this was just as important.

City Attorney Kenyon concluded, for clarification, that she was talking about transferring the business license.

Councilmember Martin clarified that, when someone applies for the business license, they do a check against Payday Lending specifically that when they came back to renew that it was the same person, Deirdre Martin, not Nova Martin or anyone else and doesn't transfer ownership and they are in it for another 20 plus years.

City Attorney Kenyon stated that they will look into that.

Councilmember Martin stated that, other than that, they all agree.

Mayor O'Neill asked if she has all the information she needs.

City Attorney Kenyon confirmed that her understanding is that the Council is not interested in a permanent ban now but are interested in having them explore numerical caps and that a cap of one would be preferred unless she has legal reasons why they can't do one. They will focus on trying to draft regulations that will include a cap of one, and they would be looking at other questions regarding transfer of the business license. She thought that was the direction she had.

Councilmember Digre stated that it definitely does not mean that they can go to four or anything else.

City Attorney Kenyon stated that it did not.

Mayor O'Neill stated that a gentleman also mentioned about the Planning code says financial institutions. He asked if there was a way for them to declare that these are not financial institutions.

City Attorney Kenyon stated that they would do that as part of the regulations they would be bringing back to the Planning Commission and Council. They will clear that up.

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| RESULT: | NO VOTE REQUIRED |
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- 16.** Council Consideration of an Ordinance Adding Chapter 16 to Title 4 of the Pacifica Municipal Code to Make Pacifica a Sanctuary City
PROPOSED ACTION: Following deliberations, move to waive the first reading and introduce an Ordinance adding Chapter 16 to Title 4 of the Pacifica Municipal Code to Make Pacifica a Sanctuary City.

17. Consideration of a Resolution in Support of the Appropriate Committee of the U.S. House of Representatives to Investigate Whether Sufficient Grounds Exist for the Impeachment of the President of the United States

PROPOSED ACTION: Take action as deemed appropriate by the members of the City Council.

Interim City Manager Breskin stated that this was on the agenda at the request of Mayor pro Tem Keener and he would defer to him to speak to his reasons for asking the City Council to support this.

Mayor pro Tem Keener stated that this resolution was sent to him by 30 or 40 people and he felt it was worth considering by City Council. He stated that we don't have much impact at the national level but we give a voice to our residents. He stated that a significant number of residents signed on and he thought it was worth bringing to the Council.

Mayor O'Neill opened public comments.

Steve Rapport, Pacifica, stated that he lives in Sharp Park and a member of Pacifica Resist. He stated that Laurence Tribe, professor of constitutional law, wrote in the Washington Post in May 2017, whether it was devotion to principle or hunger for political survival that puts the prospect of impeachment and removal on the table, the crucial thing is that the prospect now be taken seriously and the machinery of removal be reactivated and the need to use it become the focus of political discourse going into 2018. He stated that, as an immigrant, he has had an arms' length relationship with the United States Constitution based on vague admiration for its forming and coding of the principles of democratic government. He stated that, since the general election of November 8, 2016, like the majority of his friends and colleagues, his interest in the mechanisms of government generally and Constitution in particular has steadily increased in inverse proportion to the flaunting of its principles by the man who was elected by a minority of voters to the highest political position of the land. He stated that, on January 20, 2017, Donald Trump dishonestly mouthed the presidential oath of office, quoting the exact words. He stated that, within months of his unfaithful uttering of the oath, following his unconstitutional abuse of power in seeking by executive order to prevent Muslims from various defined countries from entering the United States, he finally decided that the time had come to upgrade his own suddenly precarious status as a long time green card holder and apply for citizenship of this great country. He stated that the process involves studying an informative booklet entitled "Learn about the United States, Quick Civic Lessons for the Naturalization Test." Section 12 referred to the rule of law and informed him that John Adams was one of the founding fathers, second president of the United States, and he quoted John Adams regarding the Constitution being the foundation for the rule of law. He stated that there are no simple enforcement mechanisms for the provisions of the United States Constitution, no police force, no enforcement division in the Department of Justice, but it briefly states that all civil officers, including the President, will be removed from office by impeachment for treason, bribery or other high crimes and misdemeanors, itemizing specific issues.

Tygarjas Bygstick, Pacifica, admitted that, before Donald Trump became president, he was not familiar with the term emolument, never used it or heard it before he took office. He mentioned a comment during discussion of being a sanctuary city that the room's tenure was emotional and volatile. He stated that they were now discussing a man whom some of us might like to impeach. He thought it was an appropriate statement, not just for those in the room then, but somebody getting into a contest might speak to someone's disposition or someone in Texas

saying how nice it was that so many people came to see him and denying climate change during hurricanes. He thought that irrationality could arguably be considered grounds for impeaching Trump. He stated that they were talking about emoluments, and as Trump did not divest his extensive financial portfolio when he took office, he was certain there were people from many countries currently remitting profits to Trump which would not be a problem but for the Constitution of the United States, namely article forbidding profit by an elected official without the consent of Congress. He stated that he currently is getting all sorts of emoluments from foreign states even before mention of Russia and various issues with that relationship. He concluded that there are grounds for impeachment.

Bridget Duffy, Pacifica, stated that she found a quote by Washington which addressed elected, ambitious, unprincipled officials being able to subvert the power of the people and usurp themselves the reins of government and destroying the engines that lifted them to unjust dominion. She felt it was important for Americans to realize that this man is disassembling our democracy, putting people in charge of institutions of our country that want to take down those institutions, such as EPA. She stated that it seems silly for Pacifica saying impeach Trump, but she felt any voice they can add to the growing voice in our nation that says this is not a man that won and he has unjust dominion and using it in ways we don't know. She mentioned a deal he made regarding Chinese chickens which are dangerous to our health. She acknowledged that we may not be able to stop some of the things he is doing by impeaching him, but he is endangering the country and the world because of threatening nuclear war with North Korea. She stated that we are in a dangerous situation in our country and a growing threat to the rest of the world. She agreed that Pacifica should add to the cry of impeach Trump. She mentioned a similar situation in Korea and they held a silent vigil outside the capitol and got their president impeached and now there is a president the country is behind.

Remi Tam, Pacifica, stated that this was an important statement considering that there is enough evidence surfacing that the president has had relationships with Russia before the election, and they have a history of meddling in elections in other countries. He felt it behooves our justice departments to do a full on investigation and we need to support our Congress to do a full on investigation. He stated that, if true, Trump is guilty of high treason and needs to be prosecuted for high treason and needs to be removed from office immediately. He stated that we don't need a president who is a puppet of an enemy country.

Mayor O'Neill closed public comments.

Councilmember Martin stated that she sees a lot of support for this and she is kind of bummed that there are not more people to support this. She stated that what we can do at the local level we are doing, such as progressive things and resisting this regime. She was happy to see the people show up for local stuff that we can do and have control over, and she was not surprised that they are not present but was pleased that we are all acting locally and there is more passion this year than last year. She thanked them for this proposal and she sees a lot of support for this locally on social networks. She stated that we all have to disclose our conflicts and why there is a different standard. She felt there was blatant dishonesty from the president and the high turnover in his office should be an indication of something else. She has no problem supporting something but she was disappointed in our government that we haven't been doing these investigations. She will support something that is right and just and holds our president to the same standard they are all held to on the Council. She will support this.

Councilmember Vaterlaus asked staff, as in the sanctuary city issue, if they indicate that they would like this ordinance to go through, will they have any financial implications from this.

Mayor pro Tem Keener stated that it was a resolution.

Interim City Manager Breskin stated that it would be speculative. They don't know, but from a manager's perspective he would be cautious about raising the profile of the city in such a way that there could be retaliation in ways we may not see. He stated that we don't know for certain and he can't answer that definitively.

Councilmember Vaterlaus stated that would be her biggest concern. She does not like the person, doesn't even like saying his name. She feels what is behind him is worse. These are personal issues but she finds it difficult to put our city at risk at all for anything which is her biggest issue. She stated that we don't have the money to fight it or back up money if we don't get funds. She stated that the Council's job is to protect our citizens with a fiduciary duty to the citizens to protect them.

Councilmember Digre stated that she is terrified by the possibility that he could push the button for a nuclear bomb at any minute, and she likes to think that it is physically impossible for any president, but that is her main concern. She was looking into the fact that the Constitution has checks and balances by presidents, courts and Congress and she was reminded that for four years and another four years there was an element in government that said there was no way they were going to do anything with President Obama. She asked if, somehow we actually were able to impeach this president, what are we getting. Are we getting another set of years where whoever gets in some element will say they are not going to do anything. She felt caught between that and more recently he did get the white supremacist out due to pressure. He sweetened up after being anti-DACA and said they don't want to be mean to people and they will work it out. She stated that he was talking across the aisle with Nancy Pelosi and she was inclined to give it a little bit more time to see where it goes. She is concerned about who you get if you get him out. Will it be the same and harder to deal with.

Mayor O'Neill has respect for the office but no respect for the man at all. He feels that what he is doing with DACA is horrible and it scares him that there are two nuts on both sides of the Pacific with nuclear bombs and it was sad that our best hope to stop a nuclear bomb is the generals and when Trump says yes, they say no. He stated that Pacifica has a lot of stuff they need to deal with and they need to talk about other issues facing Pacifica. He stated that on the 25th they will have a PERS presentation where they are at a \$1.6 million deficit and how they got there. He supports the impeachment. He is sure there are grounds for it, and it will eventually happen. He questioned whether Pence was any better but he can't support this because he was concerned about going further away from Pacifica's business.

Councilmember Martin referred to someone questioning Councilmember Digre and she was investigated. She stated that Trump is being questioned but he is not being investigated in a thorough manner and all we are asking is for people to investigate whether or not there is sufficient grounds for impeachment. She stated that right now there are no funds implications. She stated that we are not alone and whether it is symbolic or not, it was important that we have a voice. She stated that everything she heard that says they support and the next sentence was "I'm scared." She stated that she doesn't want to be scared. She asked that they not vote on fear but vote on what they believe to be the right thing, that there is some funny business going on that needs to be investigated.

Councilmember Digre stated that, regarding her situation, there is a procedure that was followed. She is saying that there is a procedure for checks and balances against the president.

By this being a resolution rather than an ordinance, she asked if she was saying that it was simply encouraging the other two parts of the checks and balances to get on with it.

Mayor pro Tem Keener stated that was correct.

Mayor O'Neill didn't think they could give an ordinance that would work for this. He stated that it has to be a resolution.

Councilmember Digre stated that she would not want an ordinance.

Mayor O'Neill feels that this does take time, and he thinks that he is a thug and a crook but it does take time. They have the Mueller investigation going on, a Senate committee looking at it, the House of Representatives is looking to having their investigation, with the judiciary committee and intelligence committee, and putting information together to whether the House does an indictment and it goes to the Senate. He stated that the system is going through, although not as fast as it should. He hopes it comes to the conclusion that the majority in this Council chamber supports but he doesn't feel that they should be conducting our own foreign policy. He felt they were getting further away from the business of running the city.

Councilmember Digre stated that she would like to make a motion but she felt it was premature at the moment. She was not against being concerned and willing to vote for something like this. She felt it was premature based on the more recent changes that he has made regarding talking across the aisle and being more open to things. He seems to be going back on threats. She would prefer to put it off to the future, maybe October, to see what changes there have been.

Mayor O'Neill paraphrased to be sure he understands that her motion is to defer the resolution to another date not certain.

Councilmember Digre stated possibly October, or whatever.

Councilmember Vaterlaus seconded the motion.

Councilmember Martin asked if the motion was to postpone the item.

Councilmember Digre suggested that it be postponed until the second week of October.

Mayor O'Neill asked if it was the second meeting or second week.

Councilmember Digre stated the second meeting in October.

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| RESULT: | TABLED [UNANIMOUS] | Next: 10/23/2017 7:00 PM |
| MOVER: | Sue Digre, Councilmember | |
| SECONDER: | Sue Vaterlaus, Councilmember | |
| AYES: | O'Neill, Keener, Digre, Vaterlaus, Martin | |

ADJOURN

Mayor O'Neill adjourned the meeting at 11:12 p.m., in memory of Jerry Downs, the music teacher at IBL.

Councilmember Digre asked to add in honor of 9/11 and Councilmember Vaterlaus' mother.

Mayor O'Neill agreed for 9/11 and Councilmember Vaterlaus' mother.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 9/25/17; 5-0

Mike O'Neill, Mayor