



**CITY OF PACIFICA
CITY COUNCIL MINUTES**

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

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

January 22, 2018 (MONDAY)

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Mayor John Keener called the meeting to order on January 22, 2018 at 7:09 PM

6:15 PM CLOSED SESSION.

Mayor Keener called the meeting to order at 6:15 p.m., stating that all councilmembers were present and announced that the Council would meet in Closed Session. City Attorney Kenyon announced the business to be discussed.

PURSUANT TO GOVERNMENT CODE SECTION 54957(b)(1) Public Employee Performance Evaluation. Title: City Manager.

7:00 PM OPEN SESSION

Call to Order

Mayor Keener reconvened the meeting to order at 7:09 p.m.

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

Staff Present: Kevin Woodhouse, City Manager; Michelle Kenyon, City Attorney; Lorenzo Hines, Asst. City Manager; Van Ocampo, Public Works Director; Tina Wehrmeister, Planning Director; Louis Sun, Dep. Dir of WW; Ryan Marquez, Assoc. Civil Engr.; Mike Perez, PB&R Director; Ed Vandehey, MIS Mgr.; Kathy O'Connell, City Clerk.

Salute to the Flag led by Councilmember Martin

Closed Session Report

City Attorney Kenyon stated there was no reportable action.

SPECIAL PRESENTATIONS

San Mateo County - Get Us Moving - Cory Wolbach

The San Mateo County Transit District made a comprehensive presentation on Get Us Moving by Zoe Christine Tucker of Moss Beach and Jessica Epstein of Coastside. Ms. Tucker mentioned some of their accomplishments, such as investing in Caltrain and BART, future goals and funding needs regarding transportation for the county.

Ms. Epstein then mentioned looking for public input for some of their specific future goals such as adding to their paratransit needs. She referred to the Coastside Transit Study and some of the changes they put in place. She stated that they were looking for state or federal funding, but they will still need help from local areas, mentioning their future surveys and asserting that it was critical to hear what is important to the various communities so they can create their final expenditure plan. She mentioned the town hall in Pacifica on February 1.

Councilmember O'Neill asked if they have a specific list of the projects to be funded when they are on the ballot.

Ms. Epstein stated that it was in the process of development, adding that there will be projects that haven't been created at this time as it will be a long term tax measure so there will be large scale projects listed. She stated that cities were helping them with identifying projects to give them snapshots to develop how the categories come out. She stated that the actual projects in Measure A will be a process by which cities apply for funding. She stated there should be some large scale projects, mentioning Measure B in Santa Clara where they listed example projects. If a city has a project in the future such as a highway project, the highway bucket project will be available to apply.

Councilmember O'Neill referred to the Measure A Manor Drive overcrossings and he asked if there will be credit given for projects that have been waiting a long time.

Ms. Epstein stated that they have not given any thought to whether there will be a connection with the old Measure A and the new one, but she assured him she would bring that question back for consideration.

Councilmember O'Neill assumed Measure A was sales tax.

Ms. Epstein agreed.

Councilmember O'Neill asked how much that was.

Ms. Epstein stated that it was the same, the 1/2% sales tax which expires in 2034.

Councilmember O'Neill concluded that, if it passes, 1% of the sales tax will be exclusively for transportation.

Ms. Epstein responded affirmatively.

Councilmember O'Neill stated that Mullen mentioned that they would be going for a 1/2 % sales tax just for Caltrain, and asked if that was totally separate.

Ms. Epstein stated it was totally separate and she wasn't sure it was 1/2%. She explained that they have it and it has no sunset so they could bring it to 2060. It would need a 2/3 majority to pass and to put it on the ballot, they would need approval from seven different boards which would be a long process. She stated that the current discussion is taking it to 2020 and no decisions have been made. She added that would be three counties working together, and this was just San Mateo County's needs. She explained that they are working on funding it for the entire county so that all the cities have access to it. They don't do it unless they think it is winnable, so a lot can change over the years.

Councilmember O'Neill asked if she was familiar with Caltrain's funding and budget. He was concerned because in the past, when at a Jerry Hill speech, he mentioned that Caltrain worked with all three counties but that San Mateo was carrying the funding. He asked if that had been rectified.

Ms. Epstein explained that all three counties contribute based on a ridership formula and normally Santa Clara gives the most because they have the most riders, but she also explained that this was a race to the bottom so the county that contributes the least is then matched by the other two so funding has been going down. She stated that ridership has gone up and helped funding, but funding was still going down. She stated that they are developing a Caltrain business plan which is very technical and will look at ridership, funding sources, etc.

Councilmember O'Neill asked confirmation that San Mateo and Santa Clara were both paying their fair share.

Ms. Epstein responded affirmatively, adding that SamTrans does administrate Caltrain so San Mateo County technically does more work, but they funding is equitable between the counties.

Councilmember Digre thanked them for their presentation. She commented that we need to focus on need as we will never compete with others on ridership so she appreciated getting our pot holes filled.

Mayor Keener asked how long the new sales tax will be for.

Ms. Epstein stated that the tax does not require a sunset and that can be a sensitive issue but they will get some feedback to see how sensitive it actually is with a decision made on that at a later date.

Mayor Keener asked how much of the tax goes to the county, including the amount specific to transportation.

Ms. Epstein asked if he was referring to Measure A.

Mayor Keener stated that it was Measure A but also several others.

Ms. Epstein stated she only knows about Measure A tax of 1/2%, but she didn't know about the others that are passed by the cities and caps at 9.25%.

Mayor Keener stated that San Mateo County gets 1.75% tax out of 8.75% tax.

Councilmember O'Neill stated that .5% of that goes to transportation and the rest goes to mental health services, etc.

Ms. Epstein stated that housing may get some too.

Councilmember O'Neill thought some goes for affordable housing, but the 1/2% goes for transportation but if it passes, 1% will go to transportation and 1% to individual cities.

Mayor Keener asked if they were going to take it to a vote in November.

Ms. Epstein stated that they were going to take it to the boards this summer for their approval to place it on the November 2018 ballot.

Mayor Keener asked how you advocate for a ballot issue.

Ms. Epstein stated that, at this point, they were not asking people to vote for it, but to give them feedback. She stated that she can talk about the impacts it will have on their organization if it passes or does not pass. She stated that once it is on the ballot, they step out of the process.

Councilmember Martin thanked her for the presentation. She stated that there are people looking forward to the outreach study as they are looking forward to an express bus to San Francisco and she is sure we will fill it up.

Ms. Epstein thanked her for that tip and she would put it out there.

Councilmember O'Neill stated that Cory Wolbach has spoken to him stating that they wanted to get a picture with Council.

Ms. Epstein stated they would appreciate a picture.

Councilmember O'Neill added that it wasn't endorsing the ballot.

Ms. Epstein stated that there was no ballot measure. She reminded them that they were only looking for feedback.

City Attorney Kenyon stated that they can take the picture because there is no ballot measure. She further explained why it was allowed, stating that at this point, there was no measure and once there was a definitive measure, then they would be prohibited from indicating support in any way.

CONSENT CALENDAR

Mayor Keener stated that he had a card from the public on Consent Item #3.

City Clerk O'Connell stated that there was incorrect information on that item, but they Council has the correct data and it is also in the back for the public. She asked that they keep that in mind as they approve the item.

City Attorney Kenyon stated that the staff report was accurate and everything attached was accurate except for the agreement which was incorrect but a corrected copy was put on dias for Council, and copies placed in the back for the public.

Mayor pro Tem Vaterlaus moved that they accept the consent calendar pulling Item #3.

Mayor Keener opened public comment on Item #3.

Ron Maykel, Pacifica, referred to the agreement with the San Mateo Transportation Authority and Mitigation Monitoring Cooperative Agreement, stating he was on the OSPAC and asked Councilmember Digre in her capacity as the liaison if she could get Planning to provide Open Space the data on this monitoring agreement. He thought it would be great for Open Space to have the information. He then mentioned that the Sea Level Rise Committee was meeting the following day but he noticed that the steel head and snowy plover were not on the endangered species list, only the frog and garter snake.

Mayor Keener closed public comment.

Mayor Keener stated he had questions on Item #5, the Coastal Protection Rock Revetment Repair Project and Item #8.

PW Dir. Ocampo stepped up to the podium to answer questions.

Mayor Keener referred to Item #5, asking how much the original contract was and how much money is needed to complete it.

PW Dir. Ocampo stated the original contract was \$1.178 million and was approved on September 25, 2017.

Mayor Keener asked if the additional request was \$665,000.

PR Dir. Ocampo responded affirmatively.

Mayor Keener concluded it was another 50%. He mentioned several figures and concluded ERAF reimbursement was around \$50,000.

PW Dir. Ocampo stated that his figures are \$167,251 is the city's total participation for the project.

Mayor Keener thought the primary reason for the additional cost was that the rocks were denser than originally calculated and the contractor wasn't able to get all the rock from his normal source.

PW Dir. Ocampo responded affirmatively, adding that because of the shape, they will have a stronger rock revetment.

Mayor Keener then referred to Item #8, and asked what the total amount of the project was.

PW Dir. Ocampo stated that he would have WW Dep. Dir. Louis Sun respond to that question.

Mayor Keener thought this project was for the main sanitary sewer lines.

WW Dep. Dir. Sun stated that the original cost was \$579,384.

Mayor Keener stated that in December they approved an additional \$132,000 for problems with the pipes underground.

WW Dep. Dir. Sun responded affirmatively, stating Council had authorized an additional \$50,000 for the project.

PW Dir. Ocampo added that the change order approved was originally \$131,000 but the additional funds approved were \$60,000.

Mayor Keener asked if this \$60,000 was the rest of the \$161,000.

PW Dir. Ocampo explained some of the problems they found which affected the change order.

Mayor Keener concluded that the total cost was \$579,000 plus \$132,000, and asked if there was anything else he missed.

WW Dep Dir. Sun stated that the total for the project after the change order was \$639,384.

Mayor Keener asked if it was after the first change order.

WW Dep. Dir. Sun responded affirmatively.

Mayor Keener asked what the total change order was now.

WW Dep. Dir. Sun stated that the total now was 675,480.

Mayor Keener concluded that we didn't use all the \$131,000 that was approved in December.

WW Dep. Dir. Sun stated that they did use all the \$131,000.

PW Dir. Ocampo stated that when the project was approved, they had contingency money there which was why they asked for less than approved by the change order, and further explained that the change order before them now was a close out change order as the project is complete and they have to close the change order.

Mayor Keener understood that the original was \$482,000 and they have tacked on about \$180,000.

Mayor Keener opened public comments on Item #8.

Bridget Duffy, Pacifica, stated that she thought it was a \$20 million project.

Mayor Keener stated that was another project.

Ms. Duffy asked confirmation that this was not (as stated by the President) about the shithole.

Mayor Keener stated that it was not.

Ms. Duffy then cancelled speaking.

Mayor Keener closed public comments.

1 - Vaterlaus

2 - Martin

Councilmember O'Neill referred to PW Dir. Ocampo stating the additional money was coming from ERAF funds, and he asked if it was from last year's or this year's funds.

PW Dir. Ocampo stated that it was from this year and was only \$50,000 and was part of the 2016-17 budget because of El Nino 2016.

Councilmember O'Neill thought we were getting \$1.5 million for ERAF this year, spent \$474,000 on vehicle replacement and \$94,000 on this for the 8%.

PW Dir. Ocampo stated that it was \$53,000.

Councilmember O'Neill concluded we were up to 1/3 of the ERAF funds.

PW Dir. Ocampo responded affirmatively.

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

1. Approval of Disbursements for 12/16/17 through 12/31/17.
PROPOSED ACTION: Move to approve attached list of disbursements for 12/16/17 through 12/31/17.
2. Approval of Minutes
PROPOSED ACTION: Move to approve the minutes of the regular meeting held on January 8, 2018.
3. Approval of the Consultant Agreement with Wilsey Ham, Funding Agreement with San Mateo County Transportation Authority, and Mitigation Monitoring Cooperative Agreement with Caltrans for the quarterly monitoring and annual reporting of the creek habitat restoration and plant establishment in connection with the Route 1, San Pedro Creek Bridge Replacement Project
PROPOSED ACTION: Move to Approve the Consultant Agreement with Wilsey Ham, Funding Agreement with SMCTA, and Mitigation Monitoring Cooperative Agreement with Caltrans for the Quarterly Monitoring and Annual Reporting of the Creek Habitat Restoration and Plant Establishment in connection with the Route 1, San Pedro Creek Bridge Replacement Project; and authorize the City Manager to execute all documents associated with this work.
4. Approval of Purchase Agreement with Tesco Controls Inc. (Tesco) for the purchase of communication control panels in connection with the ATAD Modification Project Phase 2 in the amount of \$ 59,469.00
PROPOSED ACTION: Move to Approve the Purchase Agreement Between the City of Pacifica and Tesco Controls Inc. (Tesco), via sole source, for the purchase of Communication Control Panels in the amount of \$59,469 in connection with the ATAD Modification Project Phase 2; Approve the total project budget of \$68,390 (\$59,469

+15% contingency); and Authorize the City Manager to execute all necessary documents.

5. Approval of Contract Change Order No. 1 to the 500 Esplanade Coastal Protection Rock Revetment Repair Project
PROPOSED ACTION: Move to Approve Contract Change Order No. 1 to the Construction Contract between the City of Pacifica and Michael Roberts Construction, Inc. (Attachment 1) for the 500 Esplanade Coastal Protection Rock Revetment Repair Project in the amount of \$663,905.75; Approve \$665,000 in additional budget authority from Disaster Fund 38 to pay for Contract Change Order No. 1, of which 75% is to be reimbursed by California Office of Emergency Service (CalOES), 17% by City's insurance, 8% by Excess ERAF funds; and Authorize the City Manager to execute Contract Change Order No. 1.

6. Part-Time Salary Schedule Update 01-23-2018
PROPOSED ACTION: Move to adopt a Resolution to revise the City's Part-Time Salary Schedule to reflect local salary market.

7. Second Amendment to Consultant Services Agreement for On-Call Planning and Related Services Between the City of Pacifica and consulting firm M-Group.
PROPOSED ACTION: Move to approve the Second Amendment to the Agreement for Consultant Services between the City of Pacifica and M-Group, by increasing the contract amount \$150,000 with a total not to exceed amount of \$300,000 and, authorize the City Manager to execute the amendment.

8. Approval of Contract Change Order No. 2 (Project Close-out Change Order) to the Construction Contract Between the City of Pacifica and C2R Engineering, Inc. for the Collections System Project FY 2016-17 C005D
PROPOSED ACTION: Move to Approve Contract Change Order No. 2 (Project Close-out Change Order) to the Construction Contract between the City of Pacifica and C2R Engineering, Inc. (Attachment 1) for the Collections System Project FY 2016-17 C005D in the amount of \$60,721.42; Approve \$38,000 in additional budget authority from Wastewater Enterprise Fund 34 for this project; and Authorize the City Manager to execute the Change Order No. 2.

9. FEMA Assistance to Firefighters Grant
PROPOSED ACTION: Move to appropriate required matching funds for the North County Fire Authority to accept the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (Grant) and adopt a resolution which amends the 2017-2018 Adopted Budget.

ORAL COMMUNICATIONS

Robby Bancroft, Pacifica Resource Center, thanked Council for their support. He stated that the Center had a 10% increase in people they helped in December with food alone, also

mentioning other areas where they have helped the community. He invited everyone to their mural opening and plaque dedication on the following Saturday at 9 a.m.

Anna Boothe, Pacifica, stated that they have agenda problems because they are spending time on the library issue which is not ready yet, while not addressing homelessness, rutty roads and the flooding problems. She realized there is a time problem, but she felt those three issues were emergency items which should be on the next Council agenda. She stated that, even if they do not have a solution, they should be getting input such as from the Sea Wall Committee. She asked what is needed to get these three important items on the agenda and asked that they do it.

Ron Maykel, Pacifica, stated that due to other issues, he couldn't attend the December meeting but he wanted to thank Councilmember O'Neill for his time as mayor stating he did a good job and the Council had the best interests of Pacifica at heart. He welcomed Mayor Keener, mentioning that, while he had no experience on committees, he conveyed to the public his desire to lead the community and he appreciated his hard work, as well as the rest of Council. He referred to working on the trail putting up signs, etc., and then referred to the significance of the new signs to help people to appreciate the coastal trail.

Peter Loeb, Pacifica, stated that he objected to the photo op they had earlier. While he acknowledged it was not illegal or prohibited as there was nothing on the ballot, but he stated that their presentation said that they were about putting a 1/2 cent sales tax increase on the ballot. He stated that the photo op appears to indicate the Council is endorsing that and he has a problem with it. Aside from his concern at charging added taxes to the poor who cannot afford it, he felt the goal of managed lanes on Highway 101 as one of the proposed projects would not be accomplished by that project.

Ana Leño-Williams, Pacifica, stated she is a business owner in Pacifica and has put in an application to become a licensed medicinal cannabis retailer. She spent money renovating her store and was asking that they consider implementing emergency licenses while going through the permitting process. She pointed out that medical cannabis has been legal in California for over 20 years, tax revenue would be beneficial in funding many of the cities needs, such as mentioned earlier. She encouraged them to place it on a future agenda and asked to let her know if there was anything she could do to help further the situation.

Bridget Duffy, Pacifica, referred to the previous speaker, and stated that it was unbelievable that marijuana was legal yet it was hard to get it in Pacifica. She mentioned the tax the city would get yet all the marijuana businesses were closed pending the permit process. She also stated that it would stop the use of illegal opioids that are killing people. She then clarified her statement at a previous meeting about San Francisco divesting itself from the fossil fuel industry but it was actually just from Israel because of treatment of Palestinians, and she asked that Pacifica also divest from the fossil fuel industry, mentioning that New York has already done that. She added that Trump's agenda has united Americans and she thought that was a good thing.

Cindy Abbott, Pacifica, stated that following the rain, she looked out at the ocean and felt grateful for living in Pacifica, also mentioning the beauty of the art created at the Art Center. She then invited everyone to a show called, Earth Matters, prepared by the Center's artists on February 2. She stated that there was also an exhibition by an artist celebrating American women and our history on February 12.

COUNCIL COMMUNICATIONS

Councilmember Martin mentioned the Women's March over the weekend and the MLK Day Service, as well as habitat restoration by planting native plants. She mentioned Earth Day scheduled for August 21 this year, suggesting anyone interested can go on their website and sign up. She then mentioned their annual surf movie fundraiser. She mentioned reaching out to the man who handles signs for Coastal Conservancy and she hoped to have more information soon on that.

Councilmember O'Neill mentioned to the City Manager that he saw a recent court case regarding requiring zoning for rental housing, not just purchasing housing, and he thought they might want to consider that. He then stated that he also spoke to the City Manager about talking to a member of Jackie Speier's office regarding how better to handle the sea wall and getting matching funds to address repairing the sea wall. He also asked about getting a report from the local coastal sea rise committee as well as a status on all grants regarding repairing the sea wall. He also mentioned meetings he attended as well as several events, such as the swearing in of new police officers.

Councilmember Digre mentioned several committees that met, such as OSPAC, etc., and thought they could share the report on monitoring of the creek. She then mentioned meeting with Kevin Mullin who suggested that cities that are concerned about empty commercial buildings could get back to him with suggestions on what he can do to help. She then mentioned several upcoming meetings.

Mayor pro Tem Vaterlaus attended a water committee meeting of CCAG, stating that they all have major issues with the water.

Mayor Keener referred to the Sea Level Rise ad hoc committee and several upcoming meetings, stating they will be open to the public.

Councilmember Martin asked if any of them will be video taped.

Mayor Keener stated that he did not know.

City Manager Woodhouse stated that he was going to mention it during his comments but he can address that now. He stated that the committee, not the city, asked the TV station if it could be video taped. He understood they may video tape part of it because the format of the entire meeting was not conducive to video taping. He added that, while anyone can video tape public meetings, there was no guarantee that the TV station would commit to the numerous scheduled meetings.

Mayor Keener stated that the ad hoc committee had an asset inventory in Pacifica, such as buildings, roads, etc. that may be threatened by sea level rise and will be available on the city's website. He suggested they have more links on the city's website.

Councilmember O'Neill agreed that it would be nice to have a link on the city's website.

STAFF COMMUNICATIONS

City Manager Woodhouse stated that, regarding the Get Us Moving presentation, they want community input and the city will work at getting that survey out to community members. He

then referred to the Sea Level Rise process, and mentioned establishment of the committee and the process for launching it and all the meetings. He thought putting that on the city's web page was a good idea, and added that the Sea Level Rise web page had a lot of information with reports from the meetings that have occurred so far. He explained that the purpose of the upcoming meetings was a learning session to understand the local coastal plan, how it is unfolding and the importance of it.

Councilmember O'Neill stated that, while they call it the Sea Level Rise Committee, he thought it was actually the local coastal plan.

City Manager Woodhouse responded affirmatively.

Councilmember O'Neill stated that he didn't want the public to be confused. He acknowledged that the sea level rise was an important part of the local coastal plan but it was the local coastal plan and he suggested that they put both titles on the website.

City Manager Woodhouse stated that Planning Dir. Wehrmeister could make sure he gets it right, as people may not know what the local coastal plan update is actually referring to as it was to update the plan to include sea level rise data, and he hoped that they will arrive at a clarifying way to refer to it.

PUBLIC HEARINGS

CONSIDERATION

10. Receive Pacifica Libraries Opportunities Report and provide direction regarding next steps in planning for new Pacifica Library facilities.

PROPOSED ACTION:

1. Receive a presentation and accept the Library Advisory Committee's January 2018 *Pacifica Libraries Opportunities Summary Report*;
2. Discuss the Report's System Facility and Operational Strategies, preliminarily select System Strategy B (1 Large Branch + 1 Small Branch), and direct the City Manager to further evaluate Strategy B operational and financial feasibility and return to the City Council at a future date for a final System Facility Strategy selection;
3. Discuss the Report's Site Options, the variety of decisions the Council could make at this time as summarized in this staff report, and provide direction to the City Manager concerning next steps.

Mayor pro Tem Vaterlaus stated that she was fine up to item #10-3, at which time she will recuse herself.

City Attorney Kenyon asked if she would like to state what her conflict is.

Mayor pro Tem Vaterlaus stated that she has a management property conflict near the locations of the library.

City Attorney Kenyon clarified that she has received income as a property manager within the last 12 months. She stated that once that has lapsed she will not have a conflict but, as of now,

she does have a conflict. She then explained how they can segment portions of the items that can be heard by a member from those that the member cannot or should not be heard. Staff will give the report on Items 1 and 2, and then Mayor pro Tem Vaterlaus will recuse herself and staff will continue with Item 3.

City Manager Woodhouse clarified that Item 1 was the presentation of the Advisory Committee's report but the discussion of the sites in Item 3 will be held off.

Mayor Keener called a five-minute break then reconvened the meeting.

City Attorney Kenyon stated that regarding the conflict issue, normally Council will ask questions of staff before it comes back for deliberation on the whole item, but at this time, staff will ask, if they have questions on site locations that they hold off on asking those questions until Mayor pro Tem Vaterlaus has left the dias.

Planning Dir. Wehrmeister acknowledged several members who have been supporting this project, then presented the staff report. She then turned it over to Cindy Abbott, chair of the committee.

Chair Cindy Abbott continued the staff report.

Dawn Merkes continued the staff report.

Mayor Keener questioned whether they were getting into an area where Mayor pro Tem Vaterlaus needed to recuse herself.

City Attorney Kenyon stated that they were merely reporting on what was in the report, and they were not being asked pertinent questions which was fine.

Dawn Merkes continued the staff report.

Planning Dir. Wehrmeister asked if Council had any questions that were not site related before she moved on to the rest of the staff report.

Mayor Keener suggested she continue.

Planning Dir. Wehrmeister completed the staff report.

Mayor Keener opened public comment.

Matt Levie, Pacifica, referred to resistance to President Trump's policies and he stated that Pacificans can implement policies in Pacifica that show support for people of color, etc., and he felt a library was a safe place for those most vulnerable such as kids after school, homeless to access services, and he hoped Council will support the libraries. He also was open to two libraries but added that he would like them to subsidize them so that they both have adequate hours.

Daya Levie, Pacifica, supported a bigger library to give the citizens more books available and books on a larger range of topics that would appeal to more people, as well as more areas for reading, studying, etc.

Anna Boothe, Pacifica, thanked Council for keeping Pacificans safe. She referred to all the crimes taking place in other cities and not taking place in Pacifica, and congratulated them for that. She then stated that they were talking about a library they don't need when we should be talking about the homeless, flooding, and street repair. She asked that they not worry about a new library and put on their agenda the issues of homelessness, flooding, and street repair. She stated that the library measure failed at the polls and we also do not need another tax so we must postpone that and she would look for the urgent items on the next agenda.

Bridget Duffy, Pacifica, stated she wanted to point out a few things. She stated that many of those supporting the library project also pointed out that rent stabilization was going to cost Pacifica too much money even though that was a lie and it was documented that it was not a tax and would not cost the city very much money, and she added that they aren't batting an eye at a \$60 million cost for a new library. She pointed out that with today's technology, she didn't see the need for a new library. She also pointed out that the other factor of a place for citizens to gather, etc., can be provided in the present two libraries, adding that they just need to be "spiffed up" when can be done with grants available to the city. She mentioned speaking to the merchants during the Fog Fest and the conclusion was that the library now does not draw people to the area and a new one won't either, but an Oceanic Discovery Center would, and there are plans drawn and ready to be set in motion in the present chamber site. She concluded that the library has been voted down twice and she felt they have made that clear that they don't want it and it should go away.

Eric Ruchames, Pacifica, thanked Council for their support. He stated that 55% of the people voted for it. He stated that, if it was easy, it would have been done, but this was not easy and we face a lot of challenges, such as geography and economics. As vice chair of the LAC, he attended all the meetings. He mentioned that there were a lot of details, mentioning the possibilities for Sanchez Library were exciting but they would need Council to give staff the go ahead to meet with them and figure out the cost. He would like Council to give the OK to move forward with all the options and figure out what it would cost and how it would be funded and how it would best serve the community which is what these groups have been working on as well as the present and past Councilmembers. He thanked them for their support and looked forward to moving the process forward.

Caroline Barba, Pacifica, stated she was co-president of the Pacifica Friends of the Library. She stated that she has seen incremental progress in getting a modern library for Pacificans and was disappointed that the previous ballot measure fell short of the 67% required to pass. She stated that the present library was deteriorating and she urged them to continue the process of going forward.

Ellen Ron, Pacifica, thanked Council and the LAC. She stated that she was not on the committee but attended as a member of the community. She appreciated that the LAC and Council were responding to suggestions for sites put forward by the community. She had a few points to make, clarifying that this measure was only put to a vote of the public once and fell short of the required percentage to pass, mentioning that Half Moon Bay was in the process of building a new library and urged everyone to check it out as libraries served the underserved in a community and she felt it was a very good use of money.

Mayor Keener closed public comments.

Mayor Keener stated that they would have a discussion about No. 1, receive the presentation and No. 2, discuss whether to keep Sanchez branch and/or rebuild the Sharp Park branch.

Councilmember Digre asked if Mayor pro Tem Vaterlaus had to leave.

Mayor Keener stated not yet, but they had to be careful not to let the discussion stray to the potential library sites.

Mayor pro Tem Vaterlaus stated that she originally thought one large branch would suit Pacifica because they could consolidate everything, such as hours and funds, etc., into the one location. However after attending many of the meetings, she discovered that many Pacificans wanted to keep the Sanchez Library. She stated that they weren't sure how to accomplish that but she could see the advantage of the two locations if that were possible, adding that they do need a new large library.

Councilmember Martin stated that she was on the advisory committee and acknowledged that they did a lot of hard work which wasn't easy. She also appreciated the public showing up and giving their thoughts on the subject. She was interested in the idea of two libraries and was also interested in the Council's thinking on that but she would support moving forward with further investigation on that concept.

Councilmember O'Neill stated that he would like to see a study and budget estimate for maintaining full service hours at both libraries. He would also like to see them move forward with some specific plans for Palmetto which would have an impact and a specific plan for the city hall site, adding that the Historical Society was interested in expanding their footprint there. He was interested in seeing what the cost would be to remodel city hall, adding that he didn't necessarily think it would be cost effective. He also wanted to know the viability of building on the extended property at Sanchez.

Councilmember Digre wondered if Asst. City Mgr. Hines attended any of the meetings and had any opinions at this point. She also wondered if the JPA had any opinions on two libraries. She asked if they needed two motions, one to accept the report and then deal with the other specifics.

Mayor Keener stated that the City Manager acknowledged that they did need two motions.

Councilmember Digre stated she was ready to vote on the first motion.

Mayor Keener stated that he had a few comments and questions. He stated that he was in favor of selecting system strategy B, one large branch and one small branch. He mentioned that, during the presentation, the phrase "Council's preference" was used and he understood that but added that the real decision makers will be the voters as they will have to pass a bond with a 2/3 vote and they were trying to get to that point and he felt one large branch and one small branch was definitely a step in that direction. He thought a factor in getting to that 2/3 vote was the cost of the bond and he thought a smaller size for the large branch might be needed to get to that point.

Councilmember O'Neill stated that he forgot to mention that he favored the one large and one small branch. He reiterated that he favored full services at both libraries and would like to see the committee come up with some funding strategies for that. He thought that would be on top of any bond they would have.

Councilmember Martin referred to Councilmember O'Neill's mention of funding strategies, and stated that it did come up and she thought there would be a general statement on that from group 4.

Chair Abbott stated that all proposals will cost money, including funding the operations, but she stated that they weren't prepared to address that until they received the next round of directions from Council. She stated that they need to know if Council was for a single library or strategy B, adding that once they provide that direction, the additional work can go on including the question of the JPA and how the library can work things out. When they were looking at two locations and more hours, they looked at whether there were partnerships available within the JPA if that works out. She stated that they need Council's direction before they move on to the next step. She mentioned some of the possible renovation options with regard to Sanchez Library if the decision was for two libraries. She mentioned the costs with various sites, such as the City Hall location costing more because of having to relocate some offices, etc., as well as concerns about available parking at any location chosen and most accessible location for everyone.

Councilmember O'Neill stated that San Carlos has City Hall on the bottom and the library on top. He also mentioned that either Belmont or San Carlos also has retail with the City Hall. He stated that he wanted to talk to the JPA about matching funds as they used to have where they matched funds to provide full hours at each location.

Mayor Keener clarified that they at least had more hours.

Councilmember O'Neill acknowledged that it wasn't full hours as they weren't open on Sundays, but he wanted to see if they were open to that.

Councilmember Digre stated that she would like to hear more about partnering at each site, adding that the Historical Society and the Ocean Discovery Center could be part of an economic engine for creating a destination city and the question with non-profits was always with whom they were collaborating to broaden the scope of where to get money for mission statements and asked the question as to whether the city could do that type of fundraising.

Mayor Keener thought the JPA would have to be on board with whatever option they choose. He asked if they have been following the city's efforts and if they have given any unofficial comments regarding one large branch and one small branch.

Planning Dir. Wehrmeister stated that the JPA has had a representative at all of the LAC meetings and have met with the county librarian. She stated that they would not have brought any options to Council if the JPA had said no to them so she felt they were open to any of the directions the Council might give at this meeting.

Councilmember Martin moved to accept the Library Advisory Commission's January 2018 Pacifica Libraries Opportunities Summary Report; seconded by Councilmember Digre.

5-0

Councilmember O'Neill moved to give direction to the Library Advisory Commission to select System Strategy B (1 Large Branch + 1 Small Branch); seconded by Councilmember Martin.

5-0

Mayor pro Tem Vaterlaus left the dias.

Mayor Keener stated that the next item was site options. He asked if staff had any further report on this issue.

Planning Dir. Wehrmeister stated that she had nothing more to report, but pointed out that the sites staff pointed out were on page 134 and also on the slide.

Councilmember Digre wanted to find out how they do this and not put the city in jeopardy for other things. She wanted to explore the possibility of a joint site with the Historical Society and the Ocean Discovery Center as a destination site but also to lure funders to broaden the scope to get money as they like to see that togetherness.

Councilmember Martin asked if that meant she was not looking into mentioning any site options at this time because she wants more financial information.

Councilmember Digre explained that she was looking for more information on that issue, and was looking at the City Hall site because it puts the City Hall, Historical Society and Ocean Discovery Center together, but questioned if it was too small.

Councilmember Martin stated that it was an option brought up by the public and was the third recommendation. She then mentioned the issue brought up by Mayor Keener about wanting to get the 2/3 vote needed, and she stated that one of the issues was of wanting two libraries. She did mention the problems with relocation while converting City Hall, adding that she was not aware that anyone from the Historical Society had mentioned being a part of that.

Chair Abbott stated that a member of the Historical Society was on the Commission, and then she mentioned not considering using the city owned parking lot because it was not large enough to accommodate all the needs for the library. She mentioned discussion on any character connected with the existing City Hall and there didn't seem to be a problem with sharing the City Hall property with the library and the Coastside Museum.

Councilmember Martin added that, for her, the biggest issue was parking in that area.

Dawn Merkes mentioned the costs for each parking space in different scenarios, with huge costs for underground parking.

Councilmember Martin stated that was a major consideration, and mentioning discussion of putting in car lifts.

Dawn Merkes stated that the City Hall was a site where you could do on grade parking at the first level.

Councilmember Martin thought they would then have to make a smaller library.

Dawn Merkes stated that you can go above the parking with the building and concluded that they can fit the library, City Hall and parking with different configurations for the parking depending on priorities on the height of the building.

Councilmember Martin thought the financial considerations were higher at that site and you would have a bigger bond.

Dawn Merkes stated that with the added cost of temporary facilities for City Hall while the site is under construction, the bond would be more.

Councilmember Martin stated that those were the external factors she wanted to point out to them regarding that site.

Councilmember Digre understood that, but she stated that City Hall was not going to survive. They have to face that soon, adding that it will be extremely costly. She was trying to find a way to face essential issues and save money.

Councilmember Martin agreed that the Commission had the goal of improving city facilities as one of their 2017 issues but that was not what they are talking about.

Councilmember Digre concluded that they covered all of that.

Chair Abbott added that they would have liked to look at all 21 sites and figure out the costs but it didn't seem to be what they were charged to do and would have cost a lot in time and money to get all that information from the consultants. She stated that was why they presented four of the sites and hoped they could take one or more of them to the next level.

Councilmember O'Neill referred to the discussion going on, and asked if there was a consensus to eliminate the corporation yard as no one has mentioned that at all.

Councilmember Martin liked the presentation by the committee of the four sites which required a lot of hard work, and she was going to go with what the LAC recommended so she would be in favor of eliminating that one.

Councilmember O'Neill recalled that they had requested a study of the city facilities in the past year or so to look at the needs they had as a city. He assumed they planned to put all the city departments in the one building instead of the old post office as they are presently.

City Manager Woodhouse thought the only facility study he has seen was older than a couple of years.

Planning Dir. Wehrmeister thought it was at least 4-5 years old.

Dawn Merkes stated that they had looked at all the city department spaces and looked at replacing all of them and used that for the modeling numbers they saw in the report.

Councilmember O'Neill thought they should look at the numbers, and stated that the bond might not pass if it included the city facility, mentioning a present lawsuit because of the disability entrance issues. He concluded that he would go with Montecito or the existing site.

Councilmember Martin stated that she would even say to eliminate the Montecito site and go with the existing site and the two system strategy as the top recommendation and coming back to see what the cost would be.

Councilmember Digre stated that she has not gotten an answer to her question, and it sounded like the only funding that was possible was a bond.

City Manager Woodhouse stated that one of the directions they are seeking, depending on the sites selected, was to explore more analysis of the sites recommended as well as the funding feasibility, which would be looking at all available types of financing for the facility, and the bond measure would certainly be one as well as partnerships in fundraising with other organizations. He clarified that they weren't ready to speak about all those alternatives which will be part of the next step.

Mayor Keener thought bonds funds were strictly for construction and related activities and he thought activities at Sanchez would have to come from another source. He asked confirmation that he was correct.

City Manager Woodhouse stated that bonds fund would be for the construction but not for ongoing operation costs.

Chair Abbott added that the bond funds would include some small renovations at Sanchez and expansion on the existing property.

Mayor Keener understood it would not be to cover the hours of operation.

Chair Abbott stated that they considered that PB&R would possibly be one of the operating partners but there was a lot more conversation needing to take place.

Dawn Merkes thought the San Mateo County JPA would also assist in the funding for the FF&E which was not typically bondable and the JPA has identified that as one area where they can assist in funding.

Councilmember O'Neill mentioned Sanchez as a teen center because of its proximity to Terra Nova. He stated that he had seen a teen center in Phoenix and it was packed. He thought it would be good to have something for them to do, especially on Friday and Saturday nights, adding that it should have a separate entrance even if the rest of the building is closed. He also thought it was possible to get a business in town to fund staffing to have it open one night a month.

Councilmember Digre stated that has been a request from the youth for many years to have a teen gathering place.

Councilmember O'Neill stated that, if it is designed correctly, they will come.

Mayor Keener thought they would have a library bond in the not too distant future, adding that another bond need would be paving, possibly a sea wall and a City Hall if not included with the library. He concluded that, with a list of all those bond issues, he didn't think they would all pass. He thought, with the option of having both libraries, they might have more support for the bond measure than the 55%. He just wanted to point out that there are other needs in the city that will have to be funded by bonds. He then stated that he would like to eliminate the courtyard site and the Montecito site. He stated that, if they eliminate the Beach Blvd. site, it could then be offered to the hotel developer. He referred to the old Sharp Park Library, stating that in the last iteration before the election it was eliminated partly because of the easement across the property and it had included underground parking. He asked if that was included in this model.

Dawn Merkes thought the existing Sharp Park site was not in consideration for the previous design work and the site given to them was the Palmetto/Montecito site. She didn't know if there was a previous consideration for the Sharp Park site, but explained how it was modeled on the site at this time.

Mayor Keener asked clarification on mention of daylight parking.

Dawn Merkes explained that it was partially underground but there was daylight on two sides which eliminated the need for underground ventilation and only two sides of a retaining wall.

Mayor Keener mentioned again that the next bond measure may be smaller, necessitating a smaller library size. He then referred to the Francisco site next to the Thai restaurant, which will have two levels of parking but will still be parking limited. He asked what the size of the library would be if all things went their way.

Dawn Merkes stated that if he gives her time, she can access the information on her computer.

Chair Abbott stated that one of the issues with that site was the parking which would require them to go underground and that would increase the cost.

Dawn Merkes stated that another issue was the size of the library and a two story library would be operationally inefficient. They concluded that, at that site, it would become operationally inefficient for two levels of the library.

Mayor Keener stated that, in his opinion, the combination of the library and City Hall would be too much for a bond and the bottom line was that they have to pass a bond. He concluded that he would not support that even though he knew that they also needed a new city facility. He felt that for Pacificans, that would come behind the library and paving the streets.

Dawn Merkes stated that the capacity for the Francisco site was 21,000 square feet with 51 parking spaces.

Mayor Keener stated that he asked about that site because it was a very favorable location, mentioning that it was accessible from Highway 1.

Dawn Merkes stated that you could actually see it from Highway 1.

Mayor Keener stated that, it was easily accessible from Highway 1 and traffic wise was very good. He stated that, if they have to go to a less costly library, he would be disappointed if this site was eliminated from consideration.

Chair Abbott stated that they did talk about the traffic with that site, including closing off Salada and would change the flow, mentioning that Francisco was quite busy now with construction.

Mayor Keener thought that was a secondary issue. He thought the two major issues were, do they want to eliminate the Montecito site on the Chamber property and direct the City Manager to move forward with any other site or two sites.

Councilmember Martin stated that she would make a motion but asked if they could take it in two parts such as removing the Palmetto/Montecito site from further consideration.

Mayor Keener expressed agreement.

Councilmember Martin moved that they remove the Palmetto/Montecito site from further consideration; seconded by Councilmember O'Neill.

4-0-1

Councilmember Martin moved that they select the Library Advisory Committee's top recommendation and direct the City Manager to proceed with conceptual design and funding feasibility for the existing Sharp Park site and Sanchez renovations; seconded by Councilmember Digre.

4-0-1

Mayor pro Tem Vaterlaus returned to the dias.

City Attorney Kenyon stated that they were done with all the motions.

Councilmember O'Neill asked if they should make a motion to go past 11:00.

Mayor Keener stated that they don't want to err on the low side.

Councilmember O'Neill suggested they go to midnight. If they adjourn earlier it will be fine.

City Attorney Kenyon asked if they thought they would go past 11:00.

Councilmember O'Neill moved to extend the time to 12 midnight; seconded by Councilmember Martin.

5-0

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

11. Adopt City of Pacifica Position Statements Regarding Airport Aircraft Noise over Pacifica and direct the City Manager to develop letters for the Mayor advocating the City's positions.
PROPOSED ACTION: Adopt City of Pacifica Position Statements Regarding Airport Aircraft Noise over Pacifica and direct the City Manager to develop letters for the Mayor to send on behalf of the City Council to appropriate recipients advocating the City's positions.

City Manager Woodhouse presented the staff report.

Councilmember Digre referred to a website talking about the current missions of the FAA, and under the Department of Transportation, they gave names of people they could be writing to. She stated that the letters have to be strong, with substance and clear direction, not suggestions.

Mayor Keener opened public comments.

Ron Maykel, Pacifica, stated that there were a lot of issues in Pacifica, and were all complicated. He thanked Council, and specifically Councilmember Digre, for pushing this forward and make a valiant effort to get the noise issue mitigated. He mentioned his discovery of the vast number of flights around the country with the accompanying noise and air pollution. He appreciated their efforts and hoped they can get the noise issue mitigated.

Lillian Bray, Pacifica, stated that she hoped the letter reflects the geography of Pacifica because we have lots of canyons and the reverberation is critical. She reports it, and she noted the roaring noise when she clicks multiple times for details of the distance is misleading as it gets higher each time. When she lived in San Mateo, she put up with the noise of trains, the highway and the airport, and after moving to Pacifica, she appreciated the tranquillity. But, now with the roaring of the jets, that is destroyed and she asked them to please help them restore the peace.

Ahna Dominski, Pacifica, stated that she has been attending the meetings, including the Roundtable meetings. She stated that she attends the meetings and perseveres because the jet noise is killing us mentally, spiritually and physically. She stated that everyone knows that, and the FAA knows that as well. She felt they have to be forceful and tried to tell them that they will take a few planes but asked that they go back to flying over the ocean they way they used to. She stated that they agreed, but then they changed their minds, adding that it was because they are greedy and in it for the profits and not to maintain Pacifica's quiet lives. She suggested that they end the letter saying that, if they don't fix it, we will have to take other legal means such as filing a public nuisance law. She stated that Pacifica has to be the city that said they were not going to take it anymore.

Aaron Read, Pacifica, thanked them for being engaged on this issue and keeping up with the NexGen flight changes. He stated he was present because he was disappointed with the FAA's November report, adding that there was no substantial change over the past two years except fora dramatic increase in noise. He has been in contact with Jackie Speier's office to figure out where to go. He referred to mention of sound monitoring which would give them concrete data to show the FAA the noise impact on our community. He mentioned several places to install the monitoring, such as the park back in the valley where the planes were coming over nonstop, adding that in other flat cities it doesn't have the impact of the echoes in Pacifica.

Sam Casillas, Pacifica, stated he was representing several people from the Pedro Point area who had to leave. He referred to mention that Pacifica has been part of the Roundtable since 1981, and questioned that this was how they chose to treat us. He referred to Councilmember Digre's comment on suggesting and agreed that it was time to start demanding. He also referred to mention of possibly instituting a lawsuit and he wondered why we weren't already going down that path. He stated that, starting at 6:00 a.m., there were flights going over his house every five minutes all day. He concluded that it was time to stop messing around and do a lawsuit as he felt the letter will go nowhere. He stated that he was frustrated with Jackie Speier as he felt she should be sitting in their office and doing her job for us. He stated that it was affecting his health and everyone else's and he didn't understand why we weren't starting a lawsuit, adding that Phoenix did it and won.

Tony Dominski, Pacifica, made the sound of airplane noise, stated it was driving them nuts and added that it doesn't have to happen. He stated that it can be prevented but the FAA won't do it because they are saving money by going lower and slower, and as more people move to

the Bay Area, it will increase exponentially. He agreed with the previous speaker that we have to do something about it now by being proactive. He mentioned a friend who is a retired pilot, who said that in Denver they used to accelerate up quickly and come down quickly and now they are going slower and lower because it saves money. He felt that the only thing that will help is a public outcry and a lawsuit and he asked that they look at how we can save our community and our resources.

Ray Ramos, Pacifica, stated he was going to talk to their position statements. He pointed out that Councilmember Digre and a group of people were trying to work with the Roundtable to work through it as well as Congresswoman Speier's staff member who is a former United Airlines pilot. He stated that there are other individuals in other towns who are also talking about nuisance lawsuits and elevating the degree of civil attention to this matter. They are looking to their representatives to adequately represent the concerns of their citizens, stating that the FAA has taken away state and local power. He thought the FAA was acting like a subsidiary to the aviation industry and also thought the City and County of San Francisco was getting a profit, transferring money to other places in the county and was a part of the aviation industry. He stated that the only aviation noise the FAA does not control was from military aircraft. He also felt that, besides SFO, Oakland was also impacting Pacifica. He asked that we not go to litigations at the gateway of San Francisco Airport.

Mayor Keener closed public comments.

Councilmember Digre thought all the comments were excellent and on point, adding that she didn't know if the City Attorney wanted to make any comments as they have followed the notion of lawsuits. She was also in favor of community organizations doing it as grassroots. She mentioned that they were told that the Phoenix lawsuit was quite different to our situation and that would not work for us. She pointed out that Pacifica was 50% open space and they were never approached by the FAA but were supposed to take that into account according to the Phoenix lawsuit and the FAA no longer has a mandate to put noise impacts as a priority although it was there in the past history. She learned through research on the FAA website that their major role was to develop programs to control aircraft, noise and other environmental impacts of civil aviation and was committed to community involvement. She thought the letters to the FAA should address their mission statement, after confirming that the statements on their website were still accurate. She added that their language needs to be extremely strong. She would also like to send a letter to the SF Roundtable to be aggressive with their legislative subcommittee. She stated that, unless they can convince the FAA and they have it in their mission statement to change things dealing with noise, there will have to be a congressional mandate to them to do so and they would be approaching the Department of Transportation, leaders of Congress. She thought the letter was good but also thought some of the words could be toughened up and position statements allow them to create strong letters to the various agencies. She agreed with the comment that the noise reverberates and pushing the button twice or more will give them a false reading. She asked the City Attorney if she wanted to say anything about the lawsuit.

City Attorney Kenyon agreed with Councilmember Digre's comments regarding lawsuits, adding that she was aware of four cases challenging the FAA and the city of Phoenix' case was the only one that prevailed but was not relevant to our case. She stated that one relevant case was filed by Portola Valley and Woodside residents challenging the FAA as our exact same order and it was denied by the courts. While that case was more similar to Pacifica than Phoenix, she stated that she has not had the opportunity to delve in depth to see if there is some other action to be taken, but she would do that if directed by Council, but she thought it was not a compelling

legal argument for Pacifica to make at this time. If they chose to go forward with litigation, she would recommend that they do so with a multitude of cities in the county to share the cost as well as exert more influence and power.

Councilmember Digre stated she would like Council to consider that option and if they chose to go forward with a lawsuit, she asked if they would be hindered in any way from making progress or talking about it if the lawsuit were started.

City Attorney Kenyon stated that they would not, but at this point, she didn't see a legal basis for filing a litigation based on the precedence most akin to our case of the Lion's vs FAA brought forth by the Portola/Woodside residents.

Councilmember O'Neill stated that he and another resident visited Jackie Speier's office and discussed all the issues of flight patterns with her staff representative and it was informative. He stated that the problem is that, when a change is initiated, every plane has to be programmed for that change which is why it takes two years, adding that they did have the ability to change the controllers who would have the ability to do the procedure prior to the planes doing the procedure. He stated that they were working on trying to get this issue solved but were not optimistic because our issue was the departures, not the arrivals. He stated that the Foster City/San Mateo area got some success in their endeavors dealing with the arrivals. He thought the bigger issue with SFO was that it was at capacity and would be adding more flights with more noise. He stated that as it was at capacity, it was a moneymaker for San Francisco as well as an economic engine for the peninsula. He mentioned that, at one point, United was the top employer in Pacifica. He mentioned that they are all going to Jackie Speier and he wondered if anyone has tried going to Dianne Feinstein or Kamala Harris as it was a statewide issue. He suggested that they try going to one or both of them. He stated that they were basically going to be making decisions on basic principles so the Mayor and City Manager can respond quickly without having to go to Council to approve a letter. He then stated he was frustrated with the Roundtable and thought adding two more cities, Santa Cruz and Santa Clara, to be involved in the discussions was defeating the purpose as they were involved in arrivals as opposed to our issues of departures and he encouraged Councilmember Digre to say no to a vote adding them.

Councilmember Martin stated she would be curious as to what it would take to offer a public nuisance lawsuit. She thought it was important to take a strong stand, adding that she did wonder why one of the speakers was against that when the other speakers were for it.

City Attorney Kenyon thought the first step, if that was Council's thinking, was to direct her to conduct some additional research to determine if there was a viable claim they could make against the FAA. At this point, she was just sharing anecdotal information gleaned from other cases which she has read about, but not research to determine if Pacifica and neighboring cities had a viable claim against the FAA. She pointed out one issue that was a problem, which was to challenge the 2014 order, a lawsuit has to be filed within a certain period of time. She stated that Portola Valley/Woodside's case was settled in 2016. Pacifica has not filed a lawsuit and she stated that there is a statute of limitations that applies and she would have to research whether there was an exception to late filing that would allow us to file it.

Councilmember Martin concluded that we have passed the statute of limitations on that.

City Attorney Kenyon responded that we have definitely past the statute of limitations and she would have to research whether there was a tolling of that statute. She thought it would be at least 20 hours of research.

Councilmember Martin suggested looking at the FAA's mission statement which she also looked at to come up with actual violations. She felt Pacifica would be able to come up with people willing to do the work with a subcommittee to collect data, doctor's reports on health violations, and take videos to the GGNRA to prove the violations caused that went against what the GGNRA said they were providing to Pacifica. She reiterated that there were violations of the FAA mission statement as well as the NexGen program. She agreed that the words need to be stronger and she didn't think we needed to be nice anymore. She supported the mission statements as well as most everyone else does, using stronger words, stating that further action will be taken if our position statements aren't considered. She stated that they should get a subcommittee together to start working on this because if they go forward with a lawsuit they will need that data.

Mayor pro Tem Vaterlaus agreed with most of what Councilmember Martin said, adding that they have worked on this for years and they aren't doing anything. She thought they needed to go to neighboring cities to see if they will enter a lawsuit with Pacifica as she didn't think we can do it on our own and the number of cities involved would definitely help. She concluded that a lot of people are suffering from this and it has gone on way too long.

Councilmember Digre agreed that something strong has to be done. She referred to being told we were beyond the statute of limitations and she questioned why Portola Valley/Woodside wasn't included in that.

City Attorney Kenyon stated that 2016 wasn't when it began but when it concluded. As these cases usually take two years, she assumed they filed it right after the order was issued.

Councilmember Digre thought they needed to look into it as she didn't think that was the situation, adding that NexGen was being rolled out and completed in 2020. She was inclined to go for a lawsuit and reach out to the cities that have the same situation as Pacifica. She stated that the difference between our committee and the other was it was going to be disbanded once they made their statements. She mentioned the cities surrounding Pacifica that are similarly involved. She stated that the committee that disbanded was not allowed to consider Oakland at all. She mentioned that the SF Roundtable only had SFO, but they have always talked about Oakland, San Jose and even San Carlos just in case. She stated that Oakland and San Jose have been impacting Pacifica, particularly in the last year and a half. She strongly urged a letter to the SF Roundtable to get the subcommittee to work on that mandate. She stated that we cannot do it alone, mentioning the Pacificans who have been going to meetings and spoken up and would be an effective subcommittee.

Councilmember O'Neill referred to the request to put in two more monitoring stations, and he thought it was asking the fox to watch the henhouse. He didn't know how they handle that and he asked if the Council wanted to explore how they have their own data by putting in monitoring stations. He also mentioned that Jackie Speier's representative, Kathleen Wentworth, told him they were past being able to file any lawsuit. He asked if there was interest in Council for exploring that option.

Mayor pro Tem Vaterlaus asked what it would cost.

Councilmember O'Neill agreed that they would have to have the information of how it would be monitored and what the cost would be and he asked if they wanted to ask staff to explore that.

Mayor Keener stated that he didn't think so. He also felt that the people who put out the monitoring system give you honest data and he didn't see any advantage to Pacifica putting up their own noise monitors, stating that he thought it would \$30,000 or more per monitor.

Councilmember Digre assumed he was talking about the permanent ones, not the mobile ones.

Mayor Keener responded affirmatively.

City Manager Woodhouse didn't know what they would cost, but they receive the noise reports quarterly and he didn't think there was any washing of the data.

Mayor Keener didn't think anyone has come up with a viable cause for a lawsuit yet, but if they have, he suggested they come forward and talk about it. He stated that they were in contact with some of the adjoining cities through the Roundtable and know who opposes the FAA and their flights and we should ask them if they have found any basis for a lawsuit. He stated that a lawsuit was expensive, and he thought they would find 5 or 6 cities at most that would share the cost with Pacifica and some were smaller than Pacifica. He felt they were being bullied by the FAA, and they can say they won't allow it, but with no basis for it, they will get shot down in court, reiterating that Phoenix won because of specific conditions that Pacifica does not have. He didn't see a lawsuit being successful but he thought it was possible that a citizen action against SFO might bear fruit as they are profitable and ship funds into San Francisco operations. He supported the list of items in their position statement and sending them to anyone they chose, adding that he didn't know if stronger words would have any effect on the recipient of the letter as he felt they were dealing from a position of weakness. He thought they can think of a novel strategy to engage them, but not threaten or posture. He then referred to Councilmember O'Neill mentioning getting in touch with the California League of Cities or the national organization and asked if he had a chance to do that and had any success.

Councilmember O'Neill stated that he had talked to several people on the peninsula to see if they can make them do it, and he was willing to contact the South San Francisco representative of the California League of Cities to see if he would get their lobbyist to lobby with other states and then go to Congress.

Mayor Keener thought that was worth a try, adding that he would say something in support to him as well.

Councilmember Martin thought they could find a reason for a lawsuit, adding that she wasn't interested in posturing or threatening but thought they could do something. She stated that, on looking at the mission statements of GGNRA and San Mateo County Parks about preservation of our natural resources was a violation and she thought those were two other resources to reach out to. She stated she would be willing to do that, adding that the Coastal Conservancy might be an option as they maintain the trails along the coast.

City Manager Woodhouse stated that, on listening to their comments, there were a few things that jump out. To have clear direction, he asked if they want him to change any language in their position statements with stronger words, such as do they want to change Council "requesting" to "demanding". He referred to Councilmember Digre's reference to the Roundtable's legislative subcommittee, and he wasn't clear on what they wanted to ask them to

do. He also felt they needed to be clear if they were asking the City Attorney to spend approximately 20-40 hours researching any basis for legal action.

Mayor Keener asked if anyone wanted to weigh in on that.

Councilmember Martin would support the research and funds spent as she thought it was nothing compared to what Pacificans are going through.

Councilmember O'Neill stated that he would amend the wording at the City Manager and City Attorney's discretion, adding that you sometimes get more with honey than vinegar, but if they feel it is warranted, then can go tighter.

Councilmember Digre referred to the section about Council supported efforts to update Congress mandate and would change it to stronger words.

Mayor Keener asked what she would change.

Councilmember Digre stated that she would ask them to do it.

Mayor Keener liked the language as is, and was not looking for a basis for a lawsuit at this time. While he wouldn't close the door to that, he felt they had lots of potential partners. He added that, if someone comes up with a good basis for a lawsuit, he would reconsider it.

Councilmember Martin referred to the mayor's comment about reconsidering a lawsuit if someone comes up with a good basis, and she asked who better to come up with that than the City Attorney, referring to three agencies with potential violations to their mission statements.

Councilmember O'Neill thought they could authorize the City Attorney up to a specific number of hours rather than an unlimited amount, such as possibly 25 hours.

Councilmember Digre referred to talking to representatives from other cities, such as Daly City and Brisbane, and asked if it would help if they agreed and asked their city attorneys to get together and talk about it.

City Attorney Kenyon thought that was a great suggestion as it would assist in getting the conversation going. She stated that, even if she did the research and concluded it was a viable claim, she would still want to do that as they had agreed there was more power in numbers. She felt, if the other cities had their attorneys talk with Pacifica, that would definitely help.

Councilmember Digre referred to NOISE, which involves the League of Cities nationally, and she felt they do work progressively on lawsuits. She stated that they were meeting and she was pushing SFO to choose to be members, as they have to pay. She stated that Rich said no for the California one, but she thought there was viability for the national one.

Councilmember O'Neill stated that mention of changing the wording to "insist" was a good idea. He asked if it was okay for him to make a motion.

Councilmember O'Neill moved to adopt the City of Pacifica Position Statements Regarding Airport Aircraft Noise over Pacifica and direct the City Manager to develop letters for the Mayor to send on behalf of the City Council to appropriate recipients advocating the City's position.

Councilmember O'Neill thought the attorney part would be after Councilmember Digre talks to the Roundtable.

City Attorney Kenyon stated that it would be a separate motion.

Councilmember Digre asked if she could make a correction on Councilmember O'Neill's motion, adding his suggestion to give the City Manager the discretion to change the words to stronger words.

Councilmember O'Neill stated that he had no problem amending the motion as stated by Councilmember Digre.

Councilmember Digre seconded the motion as amended.

5-0

Mayor Keener stated that they need another one for the City Attorney.

Councilmember O'Neill stated that Councilmember Digre was going to talk to other city councilmembers.

Councilmember Digre thought it was about something else.

City Manager Woodhouse thought she was thinking about the SFO Roundtable and the legislative subcommittee item, which was to encourage the Roundtable to be more effective or she could choose to revise the position statement to say that.

Mayor Keener stated that they could provide a letter.

Councilmember Martin asked if they were making another motion.

Councilmember Digre stated that they don't need any, unless she has one.

Councilmember Martin stated that, regardless of any work she is doing with the legislative subcommittee, she would like to make a motion for the City Attorney to spend 25 hours researching the viability of a lawsuit.

Councilmember Digre thought they were going to contact the other cities first as they agreed to work with her.

Councilmember Martin thought that was going to take a long time, and she asked why they can't just ask the City Attorney to do the preliminary work as she was going to want that.

Councilmember Digre stated that she can go ahead and phrase it.

Councilmember Martin stated that, if the City Attorney was going to do the work anyway, why can't she get started and do the groundwork and whether the other cities say yes or no, the preliminary work is done and they are ahead of the game. She questioned why they should wait.

Mayor pro Tem Vaterlaus suggested that our City Attorney talk to the other city attorneys and see if they are interested in being involved before we spend time on it.

City Attorney Kenyon suggested that she contact the attorneys and find out if they have done any research and, if so, she can avail herself of that information. If not, she would then be directed by Council to do research in an amount not to exceed 25 hours.

Councilmember O'Neill thought that sounded good to him.

Councilmember Digre stated that they don't want to wait any longer as people have suffered enough.

Councilmember Martin made a motion to direct the City Attorney to reach out to other cities' city attorneys to find out if they have been involved or have any interest or done any research and, regardless of their answer, direct City Attorney to spend no more than 25 hours researching the viability of a lawsuit; seconded by Councilmember Digre.

5-0

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Mike O'Neill, Councilmember
SECONDER:	Sue Digre, Councilmember
AYES:	Keener, Vaterlaus, Digre, O'Neill, Martin

ADJOURN

Councilmember Digre asked if they could adjourn in honor of Carol Bonner, the San Bruno City Clerk, who just passed away.

Mayor Keener adjourned the meeting at 11:42 p.m., in honor of Carol Bonner.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 2/12/18 5-0

John Keener, Mayor