



**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

**June 11, 2018 (MONDAY)**

**[www.cityofpacifica.org](http://www.cityofpacifica.org)**

Mayor John Keener called the meeting to order on June 11, 2018 at 7:10 PM

**5:30 PM CLOSED SESSION**

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

PURSUANT TO GOVERNMENT CODE SECTION 54957.6 Conference with labor negotiator. Agency negotiator: Janet Cory Sommer. Employee organizations: Pacifica Firefighters Local 2400; Teamsters Local 856 Battalion Chiefs; Department Directors Local 350; Waste Water Treatment Plant Employees Local 856; Miscellaneous Local 856; Managers Local 350; Police Officers Association; Police Supervisors Association; Police Management Local 350.

PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c) Conference with Legal Counsel - Anticipated Litigation. Initiation of Litigation. One Case.

**7:00 PM OPEN SESSION**

Call to Order

Mayor Keener reconvened the meeting at 7:10 p.m.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
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; Ray Donguines, PW Sr. Civil Engineer; Dan Steidle, Police Chief; Mike Perez, PB&R Director; Kathy O'Connell, City Clerk

Salute to the Flag led by Mayor Keener

Closed Session Report

City Attorney Kenyon stated there was no reportable action.

### **SPECIAL PRESENTATIONS**

Proclamation - Amateur Radio Week

Mayor Keener asked if there was anyone present to accept the proclamation for Amateur Radio Week.

Councilmember Digre stated that Frank Erbacher was on vacation.

Mayor Keener read a portion proclaiming June 18-24 as Amateur Radio Week in honor of the Coastside Amateur Radio Club.

Councilmember Digre stated that this club was important because of the location of our city, and stated that the only way families can be notified if there is an earthquake, etc., was through the ham radio.

### **CONSENT CALENDAR**

Mayor Keener pulled Item #9 for further discussion.

- 1 - O'Neill
- 2 - Vaterlaus

5-0

Item #9

Mayor Keener stated that it was a resolution to accept the report for sewer service charges for 2018-19 which means increasing them 8% and directing the filing of the charges for collection by the County Controller. He stated that when they passed the five years of increases last year, they made it clear that they would have to approve each year's increase each year. They were somewhat reluctant to pass it as it was almost 50% increase and he said that coming back to pass the increase each year made it more tolerable. He asked for justification for the increase presented to the public. He stated that the documents were great and hoped they would be cited in comments. He stated that they were comparable to other jurisdictions and he also thought they needed an absolute designation of what future costs they hope to meet with the increase.

Asst. City Manager Hines presented the staff report.

Mayor Keener assumed it included the equalization basin.

Asst. City Manager Hines responded affirmatively.

Mayor Keener also assumed it included the interest on the equalization bonds.

Asst. City Manager Hines responded affirmatively.

Mayor Keener thought that would be \$40 or 45 million.

Asst. City Manager Hines stated that he didn't have those figures. He then continued with the staff report.

Mayor Keener referred to creating a reserve for contingencies, and asked if they had started doing that yet.

Asst. City Manager Hines stated that they have not yet, but he will start that process when they close the books on 2017-18.

Mayor Keener asked if the equalization basin bonds were interest only for the first five years and then they start paying on the principal.

Asst. City Manager Hines stated that he didn't have the debt schedule in front of him, but they tried to structure the repayment of the bonds in as competitive and strategic as possible. He stated that the repayment of the bonds are built into the capital maintenance schedule associated with the rates. He stated that the rate increase, capital spending, repayment of bonds are all tied in together and the debt service for the equalization bond was interest only payments for the first 1-3 years. He stated that they had a gradual ramp up in years 4 and 5 in order to smooth the increase.

Mayor Keener asked what we were looking at for the lifetime of the wastewater treatment plant itself.

Asst. City Manager Hines asked if he was asking how long they think it will last.

Mayor Keener stated he was asking how long they think it will last and whether there was a fund they would be developing for its eventual replacement.

PW Dir. Ocampo stated that it was 30 years or more.

Mayor Keener asked if it was 30 years from when it was first built.

PW Dir. Ocampo responded affirmatively, adding that they did the condition assessment on the facility itself. With the results of the study, they were looking at capital improvements projects that would prolong the life of the plant.

Mayor Keener asked if they were thinking about trying to acquire some of the funding ahead of time before they have to replace the plant to reduce the future debt payment.

Asst. City Manager Hines asked him to repeat his question.

Councilmember O'Neill thought he was asking if they were amortizing the life expectancy of the plant to replace it, comparable to vehicle replacement. He stated that it was five years to replace a fire truck.

Asst. City Manager Hines asked if he was asking if they were putting money away to replace the plant.

Mayor Keener responded affirmatively.

Asst. City Manager Hines didn't believe there was a replacement plan in place and these dollars are going to fund the reserve for contingencies and support those capital costs necessary to keep the plant going for 30 years and beyond as mentioned by the PW Director.

Councilmember Digre asked when the 30 years was up.

PW Dir. Ocampo stated that the plant was currently 16-17 years old.

Councilmember Digre thought they talked about this last year. She stated that we don't have any hardship applications and she asked why that would not be possible and whether it would take too much money away from protecting the plant.

PW Dir. Ocampo stated that they asked that question of the consultant, and they were told that low income discounts can't be funded by the rates which are based on water consumption and there was no opportunity for the city to do that. He stated that other cities use other funds to provide that but not the sewer rates.

City Attorney Kenyon clarified that Prop. 218 prohibits cities from providing senior or low income discounts for the reasons mentioned.

Councilmember Digre stated that she forgot about Prop. 218.

Mayor Keener asked him to walk them through the comparative data between Pacifica and other sewer districts.

PW Dir. Ocampo stated that they asked their consultant to review the rates to make sure that they should be assessing the maximum of 8% increase. He stated that part of the review includes finding out what other cities are adopting as a rate increase and Belmont was adopting 9% increase, Foster City a 14.25% increase, and the city of San Mateo adopted a 36% increase last year but this year and the next four years they will have 14% increases. He stated that Hillsborough was 10%, South San Francisco 10%, San Bruno was 5% but they were in the last year of their three rate increase and a study will be conducted next year. He stated that they also loaded a \$25 million bond to supplement their needs. San Carlos were also going to do a sewer rate study for fiscal years 2019-20 and are at the tail end of their previous rate increase. The West Bay Sanitary District was 5%. He stated that they updated the comparable with other cities and still shows that Pacifica is within the median even with the increase they are proposing. He stated that Pacifica was below the average of 82.88%.

Mayor Keener referred to the rate increases, stating that San Mateo goes on for four years and continues to increase it 14%. He asked if any of the others are part of a 4-5 year program like Pacifica's.

PW Dir. Ocampo stated that the majority of them are. He stated that was how the rate study was done, not just one year but over a span of at least five years.

Mayor Keener stated that he had no further questions.

Councilmember O'Neill asked if there were cards for this.

Mayor Keener stated that there were no cards.

Councilmember O'Neill moved that they approve Consent Item #9; seconded by Mayor pro Tem Vaterlaus.

5-0

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike O'Neill, Councilmember
<b>SECONDER:</b>	Sue Vaterlaus, Mayor Pro Tem
<b>AYES:</b>	Keener, Vaterlaus, Digre, O'Neill, Martin

1. Approval of Disbursements for 05/01/18 through 05/15/18.  
**PROPOSED ACTION:** Move to approve attached list of disbursements for 05/01/18 through 05/15/18.
2. Approval of Minutes  
**PROPOSED ACTION:** Move to approve the minutes of the regular City Council meetings held on May 14, 2018 and May 29, 2018.
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 June 4, 2018, and move to continue proclamation confirming the existence of local emergency.
4. Agreement to terms with the Pacifica School District for rental space for Child Care services in the amount of \$142,272 for the 2018-2019 school year.  
**PROPOSED ACTION:** Authorize the City Manager to sign the 2018-2019 contract with the Pacifica School District for rental space for Child Care services in the amount of \$142,272 pending Council's approval of the FY 2018-2019 budget.
5. Approval of Amendment No. 1 to the Agreement Between City of Pacifica and Davey Tree Expert Company for Tree Maintenance and Emergency Tree Maintenance Services for FY17-18  
**PROPOSED ACTION:** Approve Amendment No. 1 in the amount of \$70,000 to the Agreement Between City of Pacifica and Davey Tree Expert Company for Tree Maintenance and Emergency Tree Maintenance Services for FY17-18; authorize the use of savings from position vacancies in Public Works to pay for this additional work, which has already been completed on an emergency basis; and authorize the City Manager to execute the amendment.
6. Adoption of an Ordinance of the City Council of the City of Pacifica Amending Chapter 8, "Tow Services," Within Title 4 of the Pacifica Municipal Code, Relating to the Rotational Tow Program (Second Reading)  
**PROPOSED ACTION:** Move to adopt the ordinance entitled: "An Ordinance of the City Council of the City of Pacifica Amending Chapter 8, within Title 4 of the Pacifica Municipal Code, Relating to the Police Department rotational tow program"
7. Adoption of An Ordinance Establishing Regulatory Authority Over Short Term Rentals and Implementation of a Short Term Rentals Regulation Program (Second Reading)

**PROPOSED ACTION:** Move to Adopt the Ordinance Entitled "An Ordinance of the City Council of the City of Pacifica Adding Article 49 to Chapter 4 of Title 9 of the Pacifica Municipal Code Relating to Short Term Rentals"

8. Resolution of Intention to Continue the Business Improvement District Program and Levy the Annual Assessments for Fiscal Year 2018-2019

**PROPOSED ACTION:** Adopt the resolution entitled "A Resolution of the City Council of the City of Pacifica Confirming the Annual Report of the Advisory Board of the Pacifica Hotel and Business Improvement District (BID) and Declaring the City Council's Intention to Continue the BID Program and Levy the Annual Assessments for Fiscal Year 2018-2019 at the Same Rate as Levied in Fiscal Year 2017-2018 Without Change" and sets the date of June 25, 2018 for the Public Hearing on the annual levy of assessments on hotels within the BID.

9. Proposed Resolution of the City Council of the City of Pacifica Accepting the Report of Sewer Service Charges for Fiscal Year 2018-2019 and Directing the Filing of Charges for Collection by the County Controller.

**PROPOSED ACTION:** Move to adopt the proposed "Resolution of the City Council of the City of Pacifica accepting the report of Sewer Service Charges for Fiscal Year 2018-2019, and directing the filing of charges for collection by the County Controller."

### **ORAL COMMUNICATIONS**

**Karina Cardenas, Pacifica**, stated that she was asking them to consider zoning for the retail cannabis business by expanding the eligible zone. She stated that if they amended the cannabis ordinance from 600 to 400 feet, their location would be within an acceptable range. She referred to measuring their distance from a school, and she understood that original ordinance had six permits and only five are being considered because Manor was excluded. She stated that her shop was fully operational and generated revenue going to the city. She stated that she paid taxes and asked that Pacifica benefit from legal cannabis. She asked, if there were no locations at Fairmont or the back of the valley opening, if Manor would be considered an optimal location for dispensary. She recognized serving the community and they were committed to giving back to Pacifica and establish an ethical and sustainable market for the sale of cannabis. She stated she was committed to reduce and eventually eliminate single use waste for cannabis packaging. She was working to establish herself as a responsible and respectable entrepreneur but stated that it was nearly impossible for her or anyone to find a location outside of the zones they approved. She stated that this was her last chance to pursue her dream of a self-sustaining cannabis industry. She requested that they put them on the agenda to add Manor to the ordinance.

**Deborah Meclure, So. San Francisco**, understood the problem of the West Manor wellness but she suggested that they are a well-run business and scrupulously adhere to the laws and regulations. She stated that she has searched for places to obtain cannabis and she felt it beats going into the city. She stated that across the street there is a Walgreen's that sells hard liquor and she didn't know what their issues were with them and she suggested that it was a rational viable and should be a legal business.

**Rasmus Green, Pacifica**, stated that he was speaking on behalf of West Manor Wellness and on behalf of Tristan Vigil. They have both been lifelong Pacifica residents and he questioned

why they can't have a shop in Manor. He stated that his friend has epilepsy and is not able to travel outside the area and this is a convenient location for him. He stated that he attended Ocean Shore for eight years and they did not cross the highway. He didn't believe that West Manor Wellness is easier to access than the other clubs in the city to schools. He also believes West Manor Wellness serves their patients well which not a lot of clubs do. He has personally seen lives affected and helped by this club. He stated that they are good people and if they look at the zoning, they would realize that it was measured from the back corner to the corner of the parking lot, not to the front door. He hoped that they consider this.

**Brian Holscher, Pacifica**, thanked them for letting them speak to try to convince them to have them placed on the agenda to reconsider the zoning, whether it be changing the wording as the crow flies or distance to front door. He stated that he has been with West Manor for almost a year and he sees the effect that West Manor has on the community as well as the patients. He stated that they participate in every activity the city has and are outstanding members of Pacifica, giving back and not taking from the city. He thought the zoning was strange as the Fairmont Plaza is owned by Kimco and is a heavy stance against cannabis, whether medical or recreational, as well as Linda Mar. He felt that, by excluding those two zones, the city was stuck with not having enough dispensaries with only five permitted while the ordinance stated it can have up to six. He stated that, because property owners are not allowing for cannabis because of insurance policies and federal loans, it would be in the best interest of the city and residents to look at the zoning to see if there was a way to put them on the agenda to have an open discussion with Planning and City Council and see if they can move forward to convince them that West Manor is beneficial to the city and residents, with various types of cannabis that they don't have access to and really need.

**Chuck Miller, Pacifica**, stated that he was a neighbor of West Manor Wellness, on Esplanade, and is also a patient. He stated that they are nice, well run, and he understands the city's interest in protecting school children which is important, but he never see any children in that area. He stated that the security is very good, meeting you at the door and confirm that you are someone who should be in there and no children could possibly get in and he didn't think there was a child issue associated with the place. He stated that he was an entrepreneur and starting his own business was one of the most terrifying things he has done and for the owner to have put her life into this business and not be successful was terrible and devastating when income security is an issue for a lot of people. She was providing jobs and doing something very difficult. Since there was no actual issue with child security, he urged them to come up with a way of giving her a variance which he thought was an appropriate solution.

**Tamar Kavich, San Mateo**, stated she was a patient of West Manor Wellness for quite some time. She stated that she has gone to other clubs in Pacifica and hasn't found what she has found at this particular club, and she has dealt with the opioid problem. She can't take the medication any longer and this was the better course of action. She was grateful for this club. She felt Pacifica was a free, happy go lucky people which she loves that about Pacifica, and while she understands the zoning problem, but she mostly see young adults, couples and their dogs and has not seen children in this area. She felt it was well maintained. She stated that she needs a place where she can go and feel safe and secure and get the medicine and not worry that she will have to go far away or have it delivered and not know who she was letting into her home. She liked this convenience, and she also spends her money in Pacifica. She appreciated it if they can figure out an amendment to the zoning issue.

**Holly Hunnicutt, Daly City**, stated she has the same thing to say, i.e., West Manor Wellness is a valued member of our community and she appreciates that she lives on the border and

doesn't have to drive to Rockaway to find a dispensary. She stated that West Manor staff are a bunch of caring people, hearing your problems and want to help you. She agreed with Tamar Kavich that using certain kinds of marijuana can help with her pain problems and she felt she would be addicted to opioids if she goes down that path. She refuses to and she does this instead, adding that it was a valuable asset to any community and she was glad that marijuana was legal in California. She would like them to consider a variance so they can keep West Manor Wellness where it is.

**Jane Foster, San Bruno**, thanked them for letting her talk. She was from a city near the airport and she drives to Pacifica to get her medicine because she has an incurable disease. She was on six different kinds of medicines and now down to two medicines because of the high CVD quality she gets from West Manor. She stated that they were helpful, courteous, secure and always ask for two IDs when she goes in and she has never seen children around there. She stated that she has gone to San Francisco and down the peninsula and they scare her. She stated that this was very professional and even gave her a hug when she was tearful because of being in so much pain. She stated that their products help her to sleep at night and get her through her incurable disease. She asked that they reconsider the zoning so they can stay open where they are. She stated that she has never seen children around there. She stated that she shopped in Pacifica a lot. She found a lot of different places to go and have fun in Pacifica because of them.

**Carolyn Jarmillo, Pacifica**, stated she was present with other members of the Pacific Peace people to request a resolution regarding Pacifica's future investments. She stated that they were formally asking them to pass a resolution stating that Pacifica will never invest in any weapons making company or financial institution that invests in weapon industries. She stated that they realize our country needs to be secure but currently the United States spends more on defense than the next eight countries combined. She stated that they were against investing in companies that depend on the Federal government as their primary customer and consequently make perpetual warfare their business plan. She stated that the cycle of campaign contributions to military contracts must be broken. She stated that Pacifica may not have large investments but they do not want Pacifica to contribute one penny to companies that make a killing by killing. She stated that, by asking publicly for such a resolution, they are encouraging them to act locally for peace globally. They felt a policy that rejects complicity in war and violence is very much in line with the goals of making Pacifica a safe, connected and compassionate city. They realize that they set fiscal sustain ability as their first goal this year and they applaud that aspiration as they see that goal as a mandate to make wise decisions that promote a peace economy and reject any contributions to a war economy. She stated that they will give them a copy of a model city resolution that cities across the country are adapting and adopting. They are asking the Council to adopt a similar resolution for Pacifica. She asked that they put a divestment resolution on a future agenda.

**Delia McGrath, Pacifica**, stated that she is a 40-year resident of Pacifica and was joining community leaders in asking that they pass a resolution committing any future financial investments to a peace economy. She stated that it may sound like a complicated abstract system but a peace economy was made up of relationships to each other, the land, and resources. She stated that many of our relationships in the present time are rooted in destruction. She stated that to end this violence and create the beautiful world they long to live in, they must radically reimagine and transform our relationships to be characterized by love, care, compassion and sacredness, qualities that nourish our hearts and enrich our humanity. She stated that they then transform the present war economy into a peace economy. She stated that they turn all future investments and resources into creating jobs, rebuilding our

community and ensuring basic human services for all. She stated that a peace economy means setting as their priorities education, environmental protection, food assistance, housing and healthcare. She stated that there are thousands of industries and businesses in which we can invest to support the peace economy. She stated that they had a growing movement of conscientious citizens making new requests on local government to take leadership around issues like its financial investments. She stated that, in Pacifica, they were requesting Council to divest from weapons manufacturing industries and invest in peace economy. She asked if they realize that one flight hour of the B2A spirit stealth bomber costs \$169,313. She stated that they assert they will end war by ending the funding of war. She stated that growing local peace economies is a revolution of values, stating that it might be the most exciting revolution of our lives and they urge Council to take the necessary action to initiate the growth of a peace economy right away in Pacifica.

**Betsy Giovannoni, Pacifica**, stated that she was a 40-year resident and was present with the Pacifica Peace people. She stated that the average American taxpayer works 27 days a year for the Pentagon and pays 24 cents of each of their income tax dollars on military spending at a time when 43 million Americans live in poverty and qualify as low income. She stated that they want to see a shift from militarism to human needs. She asked that, in keeping with Pacifica's goal of maintaining physical sustain ability, they consider investments now and choose to invest in companies that do not manufacture weapons and they ask that they add a resolution on this topic to their agenda.

**Marsha Murphy, Pacifica**, stated that she was also a long time resident of Pacifica and a member of Pacifica Peace and she was encouraging them to support the peace economy resolution put before them or revise as they see fit. She worried about a government using her tax dollars for the war economy on which this country runs. She stated that, if more organizations insisted that investments head in the direction of peace instead of war, we would live in a different world and there would be enough money for needed expenses, such as roads, schools, etc.

**Suzanne Moore, Pacifica**, thought many people felt like her, that contributing to world peace was beyond her individual capability but the Pacifica Peace people remind us of how we can make a real difference, i.e., divest from investments in companies who make military weaponry which is a meaningful way to communicate our communities priorities. She encouraged that we meet the challenge and Council draft a resolution to financially divest from these manufacturers and she stands with Pacifica Peace people.

**Tygarjas Bigstyck, Pacifica**, stated that he had not come to talk about divesting from weapons of war but, on hearing it, he agreed it was a good idea and he would be proud if he knew that we were not investing in creating war in other places, adding that we should probably divest from the causes of war stemming from greed, such as the oil industry. He then mentioned that, on hearing comments from people speaking of the virtues of the West Manor Wellness Center, he was in agreement with them. He added that, on finding out that only 5 of 6 were being approved, it looked like we were losing money that we could be using for our city's needs, such as pot holes, etc. He compared Walgreen's alcohol sales to medicinal marijuana sales, and he thought the spirit of the law would allow them to create an exemption for a business already established and would generate revenue for Pacifica. He stated that he wanted to wish Kathy O'Connell a happy birthday, and understood she was not present because she was celebrating her birthday with her family. He thought the City Manager was willing to give her the night off because of how much she does for Pacifica.

**Tamera C., Pacifica**, stated that he loved Pacifica. He stated that, as a personal friend of Dennis Perone, who got medical marijuana on the ballot back in the 1990s and as a friend of Brownie Mary who distributed brownies at San Francisco General to AIDS patients, he knew they would approve of this facility and he felt that the building in Manor looks rundown and The owner should get out there and fix it. He stated that there should be arts and crafts fairs under the awnings. He added that Walgreen's wasn't selling alcohol. It was Safeway and the liquor store next to the surf lounge. He also felt the idea from the Pacifica Peace people was a wonderful idea. He stated that his main reason for speaking was to address trash. He stated that it was depressing to see all that, and suggested that they have larger trash cans.

**Danielle Calderon and Jamie Monzon, CEO of Chamber of Commerce, Pacifica**, with Ms. Monzon stating she wanted to make a plug for West Manor Wellness which was a strong supporter of the Chamber and the community. She then referred to a report put out by Heal the Bay on Linda Mar, and she was sure they were doing everything they can to clean up the Linda Mar Beach. She stated that the Pacifica Beach Hotel has noticed a decline between 70 and 80% of room sales and they thought it was in part because of the report put out. She stated that last year they were at full capacity and now only 10 out of 53 rooms booked, and other hotels are booked. She mentioned that the Beach Coalition has a clean up date on June 16, but the concern was the bacteria in the water, and she asked if they can have an agenda item in follow up to report on what is being done to clean up the bacteria in the water at Linda Mar.

**Marcelo Gonzalez-Soto, Pacifica**, stated that he was speaking on behalf of West Manor Wellness. He stated that he was a patient of that facility and felt it was a perfect store to go to. He used to live in Oakland and didn't want to go near any of the facilities there, and when he moved to Daly City, there wasn't any place to get his medication. When he drove to Pacifica and saw this place. He stated that they took care of him from the first day and he thought shutting them down would hurt more people than would benefit as their patients would lose a perfect place to go to get their needs met.

**Anita Rees, Pacifica Resource Center**, stated they were currently enrolling people in their summer programs, youth summer bus passes and they were now thinking about back to school, with 100 spots with a July 16 deadline to enroll. She stated that they were flexible and wouldn't turn anyone away. She stated that the distribution was on August 4 at the American Legion Hall with a list of items need posted on their website and a wish list on Amazon for those wanting to help. She mentioned that they make monthly distributions. She stated that they continue to do outreach to the homeless along with other supports. She stated that they also have a reception on June 13 to install new plaques on their murals, and there will be refreshments served.

**Eric Corgas, Pacifica**, stated that he was a baseball coach at Oceana, but he was present concerning the beach. He thought everyone knows about Linda Mar Beach and how it was disgusting. He stated that many news outlets have reported that it was not a good spot. He stated that Pacifica was #4 on the list of the most polluted beaches in California. He stated that he initially was going to blame the San Pedro Creek but the creeks had good ratings. He wondered about the parking on Linda Mar Beach, asking why they were paying to use contaminated waters, mentioning some of the possible diseases. He asked where the money from the parking goes and why we were having leaks in the creek.

## **COUNCIL COMMUNICATIONS**

Mayor pro Tem Vaterlaus stated she attended the sea level rise meeting and was shocked to see management retreat on every item on the adaptation. She stated that they will have another public meeting on June 23. She attended ABAG which was merging with the Metropolitan Transportation and they discussed budget but also had a session on sea level rise which included different types of plans for sea level rise. She went to the Chamber's Taste of Pacifica and it was nice to see all the restaurants in Pacifica bringing food and drinks. She attended the 21 elements home for all meeting regarding collecting in lieu fees for developments and, while we don't have too many developments, she thought it was an interesting meeting about whether it was better to collect fees or have homes built as below market rate homes. She supported the Pacifica weight lifters in Monterey over the weekend and went to the county fair and saw the Pacifica 4H people and their animals which she thought was impressive. She attended the library's Joint Powers Authority where Pacifica was on the list as one of their projects and they approved the budget. She stated that they have a Library Advisory meeting this Wednesday at the Sanchez library.

Councilmember Martin stated that she was also at the sea level rise meeting which she thought was a decent turnout although not as well as she had hoped. She stated that June 23 was the last public meeting and, although she was unable to attend, she would be paying close attention to it. She stated that there was a peace run and they made a stop in Pacifica and she attended the ceremony. She stated that she would let the mayor report on it but many of the people present at this meeting were there. She stated that the city was aware of their request and would be looking at their investments for weapons as well as fossil fuel and will look at that and have discussions then. She stated that her husband is a captain in the Navy and she will be attending his pinning the following week, and she wanted everyone to know that part of her heart was protecting our country. She stated that they have received a lot of emails on speeding on Seville. The children in the area were out with signs asking people to slow down and she also asked them to slow down, adding that the Pacifica police were trying to mediate that. She stated that, in regard to the mention of trash, the Pacifica Beach Coalition has a clean up every weekend and they are doing what they can. She stated that they are aware of the creek runoff and they thought a lot of runoff was detected as coming from avian bacteria. She wasn't sure that had a direct impact on people staying at the Pacifica Beach Hotel. She stated that, regarding the West Manor Wellness facility, they have a regulatory process in place, and she had asked the owner to not open up shop in Pacifica because they were working on getting policies in place and wait until they can do it legally. She believes in what the owner is doing, she believes more in our regulatory process in Pacifica and she stated that where she opened up doesn't work. She asked her to be respectful of the city's ordinances and the fact that they were working with the ones who followed the rules.

Councilmember Digre stated that she was also at the ABAG and MTC which were very valuable. She also attended a water meeting and missed the sea level rise presentation. She stated that fresh water was crucial to everyone and she stated that experts feel that people do not realize the seriousness of our fresh water issues. She stated that the Memorial Day event in Pacifica was a wonderful event. She stated that the Economic Development Committee meets on the second Tuesday, which is the next day, and she thought it was worthwhile to attend if they are concerned about what types of economic developments they are thinking about. She then mentioned that the third Wednesdays of each month were the Open Space and National Park meetings, adding that it was gratifying to see more people attend. She stated that she was one of the honorees of the Pacifica Historical Society and Sanchez Art Center. She stated that it was gratifying that our public TV needs money to have this type of meeting available to

residents and they spotlight people in the community as one of their venues, adding that they need public input. She stated that there was a hard working creek coalition and she referred to Councilmember Martin mentioning that part of the pollution was the birds and the coalition was working hard to figure out how to take care of the creek. She stated that those who use the beach have to be careful about what they do on the beach. She stated that SFO Roundtable has been wrestling with noise. They aren't making remarkable headway which is frustrating but they were still optimistic about possibilities. She stated that more is coming as she and Councilmember O'Neill reach out to other cities. She mentioned that Council has asked our City Attorney to reach out to some cities to see if there was a reason for lawsuits and concluded that at this time that was not the best route to go.

Councilmember O'Neill attended the Taste of Pacifica, but was unable to attend the evening meeting for sea level rise but he attended the tech meeting in the afternoon and was different because it was more technical. He was honored to go on a tour of the sewer treatment plant with 10-16 year-old boy scouts. He stated that he had toured it years ago but it was interesting to have a refresher course. He encouraged the other councilmembers to check it out. She reiterated what Councilmember Martin said and added that the last study he saw regarding the contamination of Pedro Valley Creek was more wildlife and not a lot of human interaction issues and he didn't know how we fix that.

Mayor pro Tem Vaterlaus stated that they had a lot of questions about straws. She stated that she talked to Larry Passmore of Fogfest who said the only straw provider was Jamba Juice and they have agreed to do paper straws and there will be no plastic straws at the FogFest at all.

Councilmember Martin added that no plastic bags as well.

Mayor Keener attended a sea level rise technical meeting put on by the county with Public Works and engineer people were there but only a few councilmembers. He stated that the county was in a position of trying to sort out adaptation mechanisms and they were trying to coordinate all the cities. He stated that they may have a parallel organization to the one envisioned by the county supervisors for water issues globally including sea level rise, adding that they are all at early stages, especially for the supervisors as that was one of Pacifica's potential sources of funding and the cities in the county will be more competitive for federal grants than just Pacifica. He attended the adaptation planning sea level rise meetings in Pacifica, both technical and community groups and there was a surprise as ESA contractor included managed retreat as an option which they indicated was at the direction of the Coastal Commission. He thought the Coastal Commission was just trying to be complete about things. He added that he didn't see who was going to pay for it or how it will be done at this time. He stated that he was contacted by the organization that puts on the peace run. He stated that they run all over the world and this particular one started in New York and ran to the West Coast and up to Vancouver. He stated that it was at the Boys and Girls Club behind IBL School and was a neat occasion. He stated that they had a torch that was like the Olympic torch and it was a great occasion, with the Pacifica Peace people in attendance as well as the boys and girls. He attended Kathy's retirement/birthday party the previous Saturday at the Pedro Point Brewery. He referred to San Pedro Creek and Linda Mar Beach and stated that it was almost certain that San Pedro Creek was the source of the pollution on Linda Mar Beach. He stated that the old studies that identified an avian source of the bacteria by DNA matching was probably wrong, and thought it was probably human waste, pet waste, etc. He stated that they were under orders to at least monitor the total daily maximum load. He stated that the Resource Conservation District was under contract to the city and county to do that. He stated that they have completed their first year's study and have a report out. He stated that one

solution the city is working on was repairing the sewer mains and sewer laterals in the Linda Mar area and Pedro Point and once they repair a section it no longer leaks but he stated that the leakage would leak into the soil and when it rained, the rainwater would leach into the sanitary sewers and they would get it both ways. He stated that during heavy rains it would end up in the storm sewers and possibly in the creek. He thought it was a complex problem but the notion that Pacifica has the 4<sup>th</sup> most contaminated beach in California was sad and especially sad because it was such a popular beach for surfers. He stated that the creek coalition and the city were doing what they can to correct it.

## **STAFF COMMUNICATIONS**

City Manager Woodhouse stated that disaster preparedness was one of the executive priorities for the upcoming fiscal year. He stated that they were getting a head start with a wildfire preparedness informational event in which the North County Fire Authority was collaborating with the Police Department for Saturday, June 30, at Fire Station 72, 1100 Linda Mar Blvd., adding that Pacifica CERT and a few other organizations are involved. He stated that residents can attend and learn about preparedness strategies and receive information.

Councilmember O'Neill asked what the time was.

City Manager Woodhouse stated that it was 10:00 a.m. to 1:00 p.m. He then stated that they received good news about the confirmation of the city's eligibility for FEMA reimbursement for the 400 block of Esplanade rock revetment emergency protective measure project, adding that the work will begin this coming week, involving installing over 9,000 tons of rock revetment to preserve the bluff supporting Esplanade Avenue, which is a \$1.9 million project and \$1.75 million will be coming from federal and state grants. He then turned it over to PW Dir. Ocampo.

PW Dir. Ocampo introduced PW's new Deputy Director for PW in charge of engineering and field services, Mr. Sam Bautista. He stated that he is a native Californian, and gave details on his background including earning his engineering degree in the University of Southern California, registered in California with over 20 years of experience in municipal engineering in various cities in Hawaii and California.

PW Dep. Dir. Bautista thanked him for the introduction. He stated that he looked forward to working with staff, Council, residents, businesses, and was enthusiastic at getting this position.

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

## **PUBLIC HEARINGS**

10. A Resolution of the City Council of the City of Pacifica Adopting the City of Pacifica 2018-2023 Capital Improvement Program  
**PROPOSED ACTION:** Move to Adopt the Resolution next in order A Resolution of the City Council of the City of Pacifica Adopting the City of Pacifica 2018-2023 Capital Improvement Program

PW Sr. Civil Engr. Donguines presented the staff report.

PW Dir. Ocampo stated that Council has received a number of emails regarding the Manor Drive overcrossing project and he was taking this opportunity to provide information that will

address a lot of questions they received. He then provided details regarding the overcrossing process.

Mayor Keener asked if the project includes the Highway 1 on ramp or just the overcrossing.

PW Dir. Ocampo stated that it includes the on ramp which is a component in the resolution and it was one project.

Mayor Keener thought some of the senders of the emails would be glad there are a couple of public meetings planned which he thought was a good thing.

Councilmember Digre asked when it would happen.

PW Dir. Ocampo stated that they are working with the Transportation Authority staff and the funding agreement was first floated to Pacifica but they have revisions to it and it will be another three weeks before they give the city the draft and they will forward it to the legal department for review before presenting it to Council for approval.

Councilmember Digre asked if it might come to them in the middle of August.

PW Dir. Ocampo thought they would have the funding agreement around August or possibly the last meeting of July. He called the Transportation Authority to expedite the drafting of the funding agreement which was for Pacifica to put the agreement in place so they can get reimbursement from the Transportation Authority.

Councilmember Digre asked what the purpose of the two public meetings.

PW Dir. Ocampo stated that part of the preliminary planning phase was to set up two meetings with the residents to get input. They will first layout the city's conceptual plan for the project and get input from the public.

Councilmember Digre asked if they will be with planning or how they will be come about.

PW Dir. Ocampo stated that this was different from going to the Planning Department and was just a preliminary planning phase to get preliminary input from residents. He stated that these aren't the only meetings they will have, but just for this particular preliminary planning phase. He stated after this they will have the project initiation document which is another process and then they have the PAED phase, which is the environmental phase. He emphasized that there will be more than adequate opportunity for the public to weigh in on the project. They intend to reach out to the public so they can solicit the public input.

Councilmember Digre asked if the city manager will be mentioning it in one of his weekly notices of Pacifica Listens.

City Manager Woodhouse agreed that they can do that. He acknowledged that this was a significant project and they will be pushing out information on it.

Mayor pro Tem Vaterlaus understood that this started in 1981 and has been on Council and Planning Commission capital improvement projects since 2004.

PW Dir. Ocampo stated that the last document they have was 2004 but he thought it was even before that, when Mr. Donguines started putting together the capital improvement program. He stated that annually it goes before the Planning Commission for General Plan compliance.

Councilmember Martin asked confirmation that the preliminary planning phase will have two meetings and she missed the phase between that and environmental.

PW Dir. Ocampo stated that the next one was the project initiation document or PID, a phase that Caltrans comes out with.

Councilmember Martin asked during what phase would the design input be helpful from the community. She acknowledged that they won't ask them for architectural plans but some people have input on how the on ramp would be such as concerns about school traffic, pedestrian crossing, etc.

PW Dir. Ocampo stated that at every meeting they will give the public the opportunity to speak and they will take notes. As they formulate the plans, they will incorporate what they have heard and applies. He stated that they need to keep in mind that for a project like this there are certain elements bound by standards, whether state or streets and highway code standards. He stated that, as long as those are in compliance, they will include any specific requests such as a handicapped ramp, etc. He stated that the project itself as presented to the Transportation Authority when they asked for funding took into account widening the overcrossing to provide a safer pedestrian and bicycle facility to go on the overcrossing without getting hurt at the intersection.

Councilmember Martin stated that, in an ideal world, they get approved for expediting funding in August.

PW Dir. Ocampo agreed, adding that from that point they will take one year to do the preliminary planning phase and then they will apply for the grant again for the next phase which is the project initiation document phase.

Councilmember Martin assumed that we are not guaranteed that.

PW Dir. Ocampo stated that the TA always say they do not guarantee it.

Councilmember Martin added that we will also probably have to match it.

PW Dir. Ocampo stated that she should keep in mind that the project was identified in the key congestion corridor and one of the projects stated during the reauthorization of Measure A in 2004.

Councilmember Martin concluded that we will get priority.

PW Dir. Ocampo stated that it was where their constant communication with the TA staff including their board helps a lot.

Councilmember Martin stated that they will push it out on Connect with Pacifica, NextDoor and she asked if people within 500 or 800 feet of the project get information at their doorstep.

PW Dir. Ocampo stated that they were normally bound by 300 but they will go 500 for that. He stated that it was actual notification through social media that has a lot of people more

interested in the project. He stated that they weren't limiting it, and were using social media outlets and were also reaching to members of the community, not just those within the area.

Councilmember Martin understood, and then asked if they expanded the notification to 800 feet for the equibasin.

PW Dir. Ocampo stated that it was 500 feet.

Councilmember Martin concluded that we extended it from 300 to 500 feet.

PW Dir. Ocampo responded affirmatively.

Councilmember Martin assumed that they will also extend it from 300 to 500 for this project.

PW Dir. Ocampo responded affirmatively.

Councilmember Martin asked if it would be for each phase or about the community forum. She asked what trigger would send out the notice.

PW Dir. Ocampo stated that they are going to send out an RFP and once they get the consultant on board which will go to the Council for approval of the agreement with the consultant, and then they will work out the schedule and they will ask that a couple of meetings be set up so they can take input.

Councilmember Martin concluded that it was still to be determined.

PW Dir. Ocampo responded affirmatively, adding that it depends on the schedule as well as getting the consultant on board.

Mayor Keener asked about the San Pedro Creek and Pacifica State Beach TMDL on page 176, summary table of the capital improvement program, funds 16 and 34. He asked what the total amount allocated for this coming year because it was split between two funds. He stated that there was \$11,000 from other fund sources and he didn't know what those were.

PW Sr. Civil Engr. Donguines stated that funds from the city for Fund 16 was \$30,000 and \$11,000 was coming from San Mateo County as a project participant.

Mayor Keener assumed the \$30,000 from the city was split.

PW Sr. Civil Engr. Donguines stated it was split between wastewater and Public Works.

Mayor Keener understood between the storm water fund.

PW Dir. Ocampo added that what happened prior to this project, they had a meeting with San Mateo County and their director of Public Works. They looked at the area that goes toward the creek and they identified San Pedro County Park to be a contributor. They looked at the area and runoff and concluded that they were going to pay their fair share which was why they have the contribution from them.

Mayor Keener understood and he thought they weren't contributing much in terms of pollution but in terms of area included in the watershed and he thought it was appropriate.

Mayor Keener opened the public hearing.

**Suzanne Moore, Pacifica**, stated that she was a resident on Milagra Drive and the Manor Drive overcrossing improvement project was of interest to her and anyone who uses that intersection during the peak hours. She stated that she learned from the goal setting that the improvement plan can potentially include the three aspects of widening the existing Manor bridge overpass, traffic signals at the Manor/Oceana/Palmetto intersections and a new northbound Highway 1 entrance at the end of Milagra Drive. She also learned that the city has applied for a county grant that may pay 90% of the cost of the preliminary evaluation and staff reported that it would be a great deal for the city with the city responsible for 10% toward the first phase, mentioning some of the details of this phase. She appreciated that there will be public meetings during this phase as she stated that wasn't what usually happens. She thought it would be wonderful after they have gathered data that it could be presented to the community so the neighbors can suggest their priorities and have them incorporated into the initial draft. She commented that the construction phase will be a great inconvenience to anyone having to drive through the Manor district and early involvement by the residents will likely encourage greater enthusiasm for the project and the initial draft will better reflect the community priorities. She thanked the director and the team for providing information in the early stages of this project.

Mayor Keener closed the public hearing.

Councilmember O'Neill moved to adopt the Resolution next in order, A Resolution of the City Council of the City of Pacifica Adopting the City of Pacifica 2018-2023 Capital Improvement Program; seconded by Councilmember Martin.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike O'Neill, Councilmember
<b>SECONDER:</b>	Deirdre Martin, Councilmember
<b>AYES:</b>	Keener, Vaterlaus, Digre, O'Neill, Martin

11. Public Hearing to Consider Recommended 2018-2019 Fees and Charges  
**PROPOSED ACTION:** Move to adopt a resolution approving the proposed 2018-2019 Fees and Charges Schedule

Asst. City Manager Hines presented the staff report.

Mayor pro Tem Vaterlaus referred to the limit on the utility user tax and suggested that, if there was a large corporation using massive amounts of electricity and gas and paying a relatively small amount, they take the cap off.

Councilmember O'Neill stated that they have to take a vote of the people.

Mayor pro Tem Vaterlaus asked confirmation that it goes to a vote of the people.

City Attorney Kenyon responded affirmatively.

Mayor pro Tem Vaterlaus agreed to forget it.

City Attorney Kenyon explained that the utility user tax was adopted by an initiative, a vote of the people, and any amendments to that current ordinance would have to go back to a vote of the people to make that amendment.

Councilmember O'Neill stated that he would like to explore a fee/tax on fast food restaurants per month to help with litter clean up at different sites. He asked if this was an appropriate time to bring it up or have it put on the agenda at a later date.

Asst. City Manager Hines deferred to the City Manager.

City Manager Woodhouse stated that one initiative identified by Council as a major project for the upcoming fiscal year was related to litter reduction strategies and they will be developing the work plan on how it will proceed during the fiscal year. He stated that would be one forum when Council could deliberate about different strategies as what he mentioned. He stated that staff would need to do some research as there would be some kind of nexus related information on how that would tie to various restaurants. His suggestion would be to lump it in among the other litter reduction strategies they want to consider for this year and bring it back in perhaps a study session.

Councilmember O'Neill asked Council if that was an option they would like for staff to research and bring back as part of their report in July.

Councilmember Martin had no problem with that, and she thought something lumped in there should be the plastic straw ban or single use plastic ban and there was a suggestion that they come up with an overall litter campaign. She felt that can't wait and she thought a tax could be added to a litter campaign. She thought the plastic ban should be treated separately because it was more urgent.

Councilmember O'Neill asked confirmation that she would be okay as part of the other report.

Councilmember Martin agreed with his suggestion.

Councilmember O'Neill stated that he wanted to be sure there was Council support and not have staff waste time.

Mayor Keener stated that Mayor pro Tem Vaterlaus was saying yes.

Councilmember Digre thought they were supposed to be asking what extra work it puts on staff or what will it take them away from.

City Manager Woodhouse stated that he was tying it to the Council prioritized project and the scope hasn't been formed except for some direction during goal setting and this would be another element to research, adding that there may be other ideas that will come forth from staff's research or during a study session. He didn't think it was a significant increase in staff time to include that element, but depending on what they find out, they would need to assess it at that time.

Councilmember Digre thought there were other cities that have done that, especially the straws. She then referred to page 352 where it mentioned request for address assignment/change and she asked what that meant.

Asst. City Manager Hines stated that they were general planning fees.

Councilmember Digre thought it was extra funding they might need to process some things.

Asst. City Manager Hines thought Planning Director Wehrmeister was present to address the question. He stated he was trying to locate the line in question.

Councilmember Digre stated that it was the very last one.

Planning Director Wehrmeister stated that the request for address assignment is either a vacant site that does not have an address or people like to change their address if they are on a corner and the front door is on a different street from their address. She stated that it was about an hour of staff time to research whether or not the address was available and to send notices to all of the public safety departments, post office, etc.

Councilmember Digre concluded that they were talking about an actual address rather than address. She then thought all the fees deal with the actual cost of doing what they have to do.

Planning Director Wehrmeister responded affirmatively.

Mayor pro Tem Vaterlaus referred to 374, the beach use, stating that they got a couple of emails regarding a large beach use fishing contest with about 400 people. She stated that the report says 50 or fewer, and she asked if there was a spot for large events.

Asst. City Manager Hines stated that Dir. Perez could find his way to address that.

Dir. Perez asked her to repeat the question.

Mayor pro Tem Vaterlaus stated that they got emails about a 400 person fishing contest held on the beach and the person wanted to know what benefit the city got from that. She stated that the report shows beach use, not including surf events, with 50 or fewer participants and the suggested that there might be about 400 people.

Dir. Perez stated that he saw some footage from that event but he didn't think there was 400 people. He stated that, since they don't have a specific fishing permit, they probably established what the large event was. He stated that he couldn't tell them what they are charged without looking up the actual permit.

Mayor pro Tem Vaterlaus asked confirmation that they do get a permit for that use.

Dir. Perez stated that they are supposed to. He stated that, if they don't, then someone from the events department would call them and ask what was going on. He stated that typically all events that happen on the weekend, whether at the Community Center or some other city site, if they have a permit they send out a notice to Police, Public Works to inform them that the events are happening. He stated that they had a fishing derby a year ago.

Mayor pro Tem Vaterlaus stated that there was one coming up.

Dir. Perez stated that he was happy to look into it and check it out but they should have a permit.

Councilmember Digre referred to packet page 366, where they list penalties, and stated it looked like it was for construction only. She stated that the penalty for un-permitted construction work was double the engineering permits, and she thought it would depend on the size rather than a flat fee.

Asst. City Manager Hines thought it appears to be a flat fee, adding that Dir. Ocampo would be happy to come up and explain.

PW Dir. Ocampo stated that it was correct. If someone does work within the right-of-way and didn't get the necessary permit, they assess a penalty.

Councilmember Digre stated that, if there was no cost, it would be a flat fee.

PW Dir. Ocampo stated that the permit fee is based on staff time for processing the application and doing the inspections for the work being done on the right-of-way. If it is after the fact, they double the fee. He explained that different work within the right-of-way involves a different amount of time they use and why it is like that.

Councilmember Digre asked if it sometimes means another agency as well.

PW Dir. Ocampo stated that, if it requires a permit, it is whoever the applicant is for the permit.

Mayor Keener agreed with Councilmember Martin about the plastic straws, etc., being a priority, but he would be interested to see what the possibilities are for a tax on litter. He didn't know if it would be effective at limiting litter and he felt we have a serious litter problems, especially on Highway 1 and most of our arterial streets. He stated that, if a tax would provide an incentive to someone like the Pacifica Beach Coalition or like-minded organization to clean up along Highway 1 and some of the places where the litter is the worst, he would be in favor of it.

Councilmember O'Neill explained that it would not prevent litter, but it would give the city some resources, mentioning that they will be facing a huge budget crisis, and the money could be used to supplement money toward the Beach Coalition and allow them to have money to put signage up and get solar power compactors where they are needed and they will have resources to get the job done. He felt preventing it was impossible.

City Attorney Kenyon stated that she was trying to understand who they were targeting in terms of who would be responsible for the fee. She stated that a tax would have to go to the ballot but a regulatory fee for a regulatory program was possible.

Councilmember O'Neill asked if she wanted him to talk privately with the City Manager and they can talk about it, do brainstorming and they can see if it was feasible.

City Attorney Kenyon agreed.

Councilmember Digre stated that she wrestles with it every year about the increase in fees for appeals to the city. She referred to page 360, and she asked if they have something like a DUI with an incident and it was the cost of hours in a car, and she thought it could mean a life or someone's vehicle damaged, road damaged, traffic messed up and she wondered if the amount of that was less than a citizen trying to appeal something.

Asst. City Manager Hines stated that a lot of the fees for the Police Department are based on a civil code and the city's municipal code. He stated that, with the difference between that fee and the appeals to the city, there was a process to arrive at that fee level.

Councilmember Digre asked if he was referring to the appeal.

Asst. City Manager Hines stated that there was a process to arrive at the DUI fee that is on the fee schedule, and they say every year that the appeals to Council fees were way below the surrounding jurisdictions and does not reflect the recouping of the staff cost for appeals to the city. He stated that other fees are supplementing that effort.

Councilmember Digre asked if the Chief could say something.

Councilmember O'Neill asked if she was talking about planning or police fees.

Councilmember Digre thought DUI would be police. She thought the Chief may have something to say.

Asst. City Manager Hines thought Chief Steidle might be able to enlighten them.

Police Chief Steidle stated that the fees they see for the DUIs are called DUI recovery fees which are based on whether there is a DUI collision, and they are allowed to bill the suspect in the case for cost plus benefits for the time the officers are dispatched, to the time they get there, report writing, time to book someone into a sobering facility or jail, for gas for the vehicles, cost plus benefits of fire personnel if they are involved, as well as the cost for their gas, etc.

Councilmember Digre thought it was thorough in covering the cost of what they have to do.

Police Chief Steidle stated that it was cost recovery for a DUI collision incident.

Mayor Keener asked if it depended on whether the person is found guilty or not.

Police Chief Steidle stated that it did not.

Mayor Keener opened the public hearing.

**Tygarjas Bigstyk, Pacifica**, referred to the discussion of paper straws, and he thought about the viability of an ordinance and if someone doesn't follow an ordinance, they pay a fee. He stated that he was talking to Anita Rees about the viability of a local ordinance and his personal conclusion was that it was hard to ask a small business to do it. He stated that Ms. Rees pointed out that, if the business was big enough, they can do it and smaller businesses could be exempt from that. He concluded that Safeway and McDonald's would qualify as a bigger business and could be compelled by an ordinance to have to do paper straws and starch cutlery. He stated that the smaller businesses would not necessarily be dinged for not adhering to that. He thought, if the state picked it up, they could have an incentive and give tax breaks. He thought it wasn't a bad idea that the city could create a fee and if the business was big enough they could contribute to stop pollution.

Mayor Keener closed the public hearing.

Councilmember Martin commented that Nick's at Rockaway was already using paper straws and they were pretty small compared to Safeway and McDonald's and she concluded that, if they can do it, everyone else can. She stated that, if no one else has anything else she can make a motion.

Councilmember Martin moved to adopt a resolution approving the proposed 2018-2019 Fees and Charges Master Schedule; seconded by Mayor pro Tem Vaterlaus.

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

**CONSIDERATION**

- 12. Illegal Fireworks Task Force Recommendations  
**PROPOSED ACTION:** Accept the report and recommendations of the Illegal Fireworks Task Force.

Police Chief Steidle presented the staff report.

Councilmember Martin thanked everyone on the task force for their work and she agreed it was a culture change and they weren't going to enforce their way out of it. She reminded everyone that a lot of litter comes with the fireworks and those who sell fireworks are required to put in ten hours of cleanup over the next two months.

Police Chief Steidle stated it was 20 hours.

Councilmember Martin stated that the Beach Coalition assists with that, and Public Works comes out the next day with their sign up sheet and everyone in the Beach Coalition provides buckets, etc. She stated that the 5<sup>th</sup> is a busy day, but people do shoot off fireworks afterwards that they still have. She encouraged everyone to volunteer at the beaches to prevent the litter from going out into the ocean.

Mayor pro Tem Vaterlaus stated that they hear every year from the public saying that they should not have safe and sane because it contributes to the illegal fireworks, but they also note that the fees charged to the safe and sane booths help pay for the police force's extra time on that day and helps the city to cover the overtime and makes money for the organizations that sell those safe and sane fireworks. She understood that this was the illegal fire works task force, but she thought they get looped together.

Police Chief Steidle stated that it was true, and he gets emails asking if the task force was considering banning safe and sane fireworks, but he stated that was not for the illegal fireworks task force to consider that.

Councilmember O'Neill stated that fireworks were a conundrum because he felt people came to a beach city to do fireworks and if they didn't sell the legal fireworks and have the surcharge, they wouldn't have the money to cover the over time for police and fire to fix things. He stated that, if they ended the safe and sane, they would still have the illegal. He stated that it was going to be easier because the green balls will be gone.

Police Chief Steidle stated that usually they come within \$1,000 of the 8% fee and their costs covered were police, fire and Public Works and it runs slightly over \$30,000 and they were about \$3,500 short last year but that wasn't that much. He stated that he is reminded that, if they ban safe and sane fireworks, the illegal fireworks problem will go away. He stated that, while the safe and sane fireworks create a bit of an enforcement issue, in that they intermingle with the illegal fireworks, he tells people if they want to test that theory, they can go to Skyline on a clear 4<sup>th</sup> of July and take a look across the Bay Area where 99% of those communities do not allow safe and sane fireworks, and they can look at all the displays going on that are not legal.

Councilmember O'Neill stated that fireworks have gone to the voters twice, and both times they have voted for safe and sane. He stated that it has been about ten years since the last time, and they could put it on the ballot again.

Councilmember Digre asked if the two companies that sell safe and sane fireworks also contribute to paying for cost.

Police Chief Steidle explained that they help them with the cost of printing up some of the materials, but they are not actually contributing a monetary figure toward the personal costs for the night. He stated that was from the 8% safety fee placed on the sales of the fireworks.

Councilmember Digre stated that she remembered when she was on that committee that they paid for outreach or education materials.

Police Chief Steidle stated that they have approached them in the past and asked them to pay for those. He stated that this year they were printing up flyers that tell people where they can and cannot use the fireworks.

Councilmember Digre thought they should contribute in some manner and she was fine if that was considered sufficient. She stated that otherwise they wouldn't be selling anything legally if the city weren't cooperative and working together.

Police Chief Steidle agreed, adding that many years ago their "rhino" vehicle was donated from one of the companies for beach enforcement.

Councilmember O'Neill stated that another aspect was the non-profits running the booth get over \$100,000 a year income in sports, etc.

Mayor Keener thought the notion that they have to change the culture was right on, and the measures that the police and task force are recommending that are different from the previous year were right on. He stated that they all recognize that you can't enforce your way out of it and have to take subtle measures. He hoped that they work.

Police Chief Steidle thanked him, adding that they also hope they work. There were no public comments.

Councilmember O'Neil moved to accept the report and recommendations of the Illegal Fireworks Task Force; seconded by Councilmember Digre.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike O'Neill, Councilmember
<b>SECONDER:</b>	Sue Digre, Councilmember
<b>AYES:</b>	Keener, Vaterlaus, Digre, O'Neill, Martin

**13. Final Presentation of the 2018-2019 Budget**

**PROPOSED ACTION:** Provide direction to staff related to development of the 2018-19 Budget.

Asst. City Manager Hines presented the staff report.

Councilmember Martin asked what the asterisk was next to the non-governmental organizations.

Asst. City Manager Hines stated that they wanted to make sure that they saw it and that it was in the City Manager's budget and they will be funding that with the ERAF dollars as they come in but paid out of the General Fund and supported by the ERAF dollars. He added that they understood how important it was to the entire Council when they had that discussion. He then continued the staff report.

Councilmember Martin referred to a line item, and asked if that was entitled the same every year on Council priorities.

Asst. City Manager Hines stated that it was not. This was the first year.

Councilmember Martin asked why that was the case.

Asst. City Manager Hines stated that they wanted to make sure they all knew they funded their priorities.

Councilmember Martin asked how they paid for it the previous year, such as including it in the cost of the project.

Asst. City Manager Hines responded affirmatively.

Councilmember Martin asked if that cost was taken out of the project and made its own line item.

Asst. City Manager Hines stated that the line items were developed based on Council priorities for this year. He stated that, when they had the Planning Director brief the Council, she explained what the 680 was for and the 250 was for and it was clear that the 680 was for Council priorities. He asked if there was a concern with having it there.

Councilmember Martin acknowledged that he answered her first question that they didn't do that last year, but, in trying to put herself in other's shoes, her perception was that it feels negative to her in stating that they have their priorities and this was what it will cost to get it done. She knows that isn't what it is, but she feels that in pointing it out as a Council priority when they had an open goal setting session for the entire community it makes it feel as if it was their personal priority.

Asst. City Manager Hines thought their priorities have been documented for the entire city to see.

Councilmember Martin thought maybe she needed to say it out loud, stating that it stood out to her and if she were a member in the audience, they might think about what their priorities were and why are they Council's priorities and not the community's priorities.

Asst. City Manager Hines stated that he would pull that person aside and show them a copy of their work plan that they worked so hard to develop.

Councilmember Martin thanked him for the counseling, adding that she felt better now.

City Manager Woodhouse stated that, in the final proposed budget booklet on June 25, it will make clear that there are a number of major goals the Council prioritized projects for this year that are major initiatives and the funding in the budget is funding those as well as other ongoing items. He agreed that, in this list, they could be more specific about what it is called. He didn't think the chart repeats itself in the budget booklet, but if it does, they can revise the wording.

Councilmember Martin accepted that, adding that she didn't want them to do tons of work.

Asst. City Manager Hines stated that he had not planned on including the chart in the budget document at all.

Mayor Keener sort of agreed with Councilmember Martin that Council priorities are if you stretch things, but they are staff priorities also as it was staff originated and he didn't think it was appropriate to single out Council for that item. He referred to the \$300,000 associated with the item that was new planning revenue, and asked if that was the anticipated payment from the developer of the quarry.

Asst. City Manager Hines thought that was the case.

City Manager Woodhouse affirmed that it was.

Asst. City Manager Hines continued the staff report.

Mayor Keener asked what projects they were funding.

Asst. City Manager Hines referred to packet page 385 and the column that stated "General Fund debt reallocation".

Mayor Keener saw it.

Asst. City Manager Hines stated that it totals 1146.

Mayor Keener got it.

Asst. City Manager Hines continued the staff report.

Mayor Keener stated that he mentioned at a previous meeting that under the revenues for the General Fund, the departmental program revenues which contained both grants and fees should be separated out.

Asst. City Manager Hines stated that they will be separated out in the final document, adding that he didn't forget his request. He stated that this was the same summary they have been showing for the last month and he stated that, if he disturbed it, it would create more questions. He reiterated that, in the final document on the 25<sup>th</sup> and in the final pie chart, he will see the grants broken up. He continued with the staff report.

Mayor Keener stated that he has difficulty understanding the sewer charge fund and the sewer facility construction fund. He asked him to walk him through that, as his problem was the revenues for the sewer charge fund are the revenues they received from the sewer fees.

Asst. City Manager Hines agreed that was the case.

Mayor Keener stated that they were collected by the County for Pacifica.

Asst. City Manager Hines referred to the 14607.

Mayor Keener stated that it went for salaries, etc. He stated that the construction fund 34 has \$14 million and it includes the equalization basin and other projects.

Asst. City Manager Hines agreed.

Mayor Keener asked where the \$14 million came from.

Asst. City Manager Hines stated that the \$14 million will come from the remaining amount of the bonds and was not reflected in the beginning balance of \$6 million but reflected in the revenues. He anticipated having that amount remaining in bond proceeds to allow wastewater to continue the implementation of the capital program.

Mayor Keener stated that they don't show that as something on the fund balance at the end of 2018.

Asst. City Manager Hines asked if he meant the current state of the spending of the bond. He stated that they don't typically show that but, if he would like, they would be happy to do it.

Mayor Keener stated that he was just trying to understand how much.

Asst. City Manager Hines stated that they will be tracking throughout the rest of the month the spending on the bond proceeds. He stated that now they were anticipating having \$14.35 left over for the next year.

Mayor Keener asked how much the bond total was.

Asst. City Manager Hines stated that, with the contingency \$26.2 million.

Mayor Keener acknowledged that, adding that they spent or committed \$21.6 or something like that to the equalization basin.

Asst. City Manager Hines agreed, referring to PW Dir. Ocampo.

PW Dir. Ocampo stated that it was \$24.5 million for the equalization basin project.

Mayor Keener stated that we haven't spent all of that.

PW Dir. Ocampo agreed, adding that the project budget was \$24.5 million.

Mayor Keener stated that he has been through that figure which is a tremendous amount. He stated that they probably have \$1.7 million extra.

Asst. City Manager Hines agreed.

Mayor Keener thought that contributed to the fund 34. He stated that now that he knows where the \$14 million comes from he is happy.

Asst. City Manager Hines stated that they deviated from past practice, as they kept all the debt service for the enterprise fund in fund 18. He changed it because he wanted the debt service to be in the same fund where the spending was coming from to make it easier to track.

Mayor Keener stated that what threw him was the bond proceeds weren't part of the fund balance and you have \$14.345 million and he questioned where that came from.

Asst. City Manager Hines understood and stated that he can add another asterisk at the bottom and explain that.

Mayor Keener thought that would be helpful.

Asst. City Manager Hines stated that he can also add it to the fund balance figure and instead of 6.9 you will see a figure closer to \$20 million. He asked if there were any questions on the old fund statement.

Mayor Keener thought, once they were past the sewers, there wasn't much else.

Asst. City Manager Hines continued the staff report.

Councilmember Digre referred to the top of page 384 about the General Fund cash balance and the line stating compensated absences fund balance commitment, and asked what they mean by compensated absences.

Asst. City Manager Hines stated that, when people leave the city, they cash out their vacation, sick, etc. He stated that they have employees who have been with the city for a while and the balances are pretty impressive. When they leave, the policy is to fund that out of the departmental budget and that was definitely something the departments do not budget for, and it creates a hardship and they decided to set up a reserve or commitment that helps offset the costs.

Mayor Keener opened public comments.

**Tygarjas Bigstyk, Pacifica**, stated that he had recommended internships at some point in the past and he brought that idea up again as it might put a dent in the staffing costs at some point and a way to help with costs by implementing internships.

Mayor Keener closed public comments.

Asst. City Manager Hines stated it was just to elicit comments from Council and he appreciated them. He asked if they have any further comments, they can feel free to email him or the City Manager and they will be happy to get those things into the budget.

<b>RESULT:</b>	<b>NO VOTE REQUIRED</b>
----------------	-------------------------

**ADJOURN**

Mayor Keener adjourned the meeting at 10:36 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 5-0; 6/25/18

---

John Keener, Mayor