



**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 25, 2018 (MONDAY)**

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

Mayor John Keener called the meeting to order on June 25, 2018 at 7:05 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 54957.6 Conference with labor negotiator. Agency negotiator: Janet Cory Sommer. Employee organizations: Pacifica Firefighters Local 2400; Teamsters Local 856 Battalion Chiefs; Department Directors Local 350; WasteWater Treatment Plant Employees Local 856; Miscellaneous Local 856; Managers Local 350; Police Officers Association; Police Supervisors Association; Police Management Local 350.

**7:00 PM OPEN SESSION**

Call to Order

Mayor Keener reconvened the meeting at 7:05 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; Denise Bazzano, Asst. City Attorney; Lorenzo Hines, Asst. City Manager; Thomas Myers, Econ. Dev. Manager; PB&R Dir. Michael Perez; PW Park Supt. Aren Clark; PB&R Commission Chair Mary Bier; Kathy O'Connell, City Clerk.

Salute to the Flag led by Councilmember Martin

Closed Session Report

Asst. City Attorney Bazzano stated that there were no reportable actions.

## **SPECIAL PRESENTATIONS**

Proclamation - Pacifica School District Superintendent Dr. Wendy Tukloff

Mayor Keener stated that he was going to ask Councilmember O'Neill to read the proclamation honoring Pacifica School District Superintendent Dr. Wendy Tukloff, as he was on the school board when she was hired in 2010.

Councilmember O'Neill then read the proclamation honoring her retirement.

Councilmember O'Neill stated that he was on the board when she was hired in 2010, mentioning some of the projects they worked on during her tenure. He commented that she came from Fresno.

Dr. Tukloff stated that it was an honor and privilege to work with the school district and the city, and she appreciated the opportunity to be part of the community and having a sense of support. She anticipates that they will continue to have their partnership as they move forward. She stated that this city was a wonderful place to be and they city always supported the school district with their taxes and bond measures. She mentioned some of her history prior to coming to Pacifica.

Councilmember Digre acknowledged that she was immersed in the city in addition to the school district and she appreciated that, adding that her smile always made her believe there was hope in the world. She thanked her for that and her effort in helping choose the next superintendent.

Mayor pro Tem Vaterlaus thanked her for the project at Oddstad School for workforce housing, in addition to all her other efforts. She acknowledged that she always responded immediately when she reached out to her, and felt she was a great person.

Council then took a picture with her.

Proclamation - Parks, Beaches & Recreation Month

Mayor Keener read a proclamation honoring Parks, Beaches & Recreation Month.

PB&R Dir. Perez highlighted various activities coming up by PB&R, such as July 4 race or the 45<sup>th</sup> annual 4<sup>th</sup> of July event with food, games, music, etc., events at the Senior Center and other events for the youth, etc.

Councilmember Digre stated that there was a lot of dedication by the staff and volunteers, mentioning that the proclamation pointed out how important recreation was to our mental and physical health.

Councilmember Martin thanked PB&R, adding that she was raised in the PB&R back east and she enjoyed being on that commission. She then stated that everything they do on nights and weekends was amazing. She stated that the 4<sup>th</sup> of July events were her favorite events.

Mayor pro Tem Vaterlaus thanked PB&R, stating that her children were in the program from daycare up to working with PB&R.

Councilmember O'Neill thanked PB&R for all the people they help, mentioning that the day care run at the schools was excellent, as well as senior citizens.

Mayor Keener stated that he was especially impressed with the senior programs and he will see them on the 4<sup>th</sup>.

PB&R Dir. Perez mentioned that they definitely want everyone to come. He then mentioned that the Public Works Department were the unsung heroes for all their facilities, beaches, trails, etc., but they don't get a lot of credit. He then thanked Wendy Tukloff because they have a great partnership with the Pacifica School District which he felt had a lot to do with her, adding that her successor has big shoes to fill.

Proclamation - Kathy O'Connell, City Clerk

Mayor Keener then read the proclamation honoring City Clerk Kathy O'Connell on her retirement.

Kathy O'Connell thanked them for the proclamation, adding that it was the first one she didn't have to write. She stated that the last 20 years have been a journey but it wasn't about the start date or retirement date but the years in between which the people she met and friendships that will go beyond City Hall and continue to grow. She stated that the biggest takeaway from the city beside her pension is a true sense of community, specifically the people you celebrate with who are friends, family, coworkers and neighbors. She thanked them for the time she had with them and this honor.

Councilmember Digre stated that her history with the city was valuable to hear because she went above and beyond her duties, helping her fellow employees. She stated that there was a lot of training before someone qualifies as the City Clerk, and she personally viewed the City Clerk as one of the most government employee who protects the public voice and transparency of city government. She felt she was a fair person and kept an even keel, but her job was not easy. She again thanked her for hard and dedicated work.

Councilmember O'Neill stated that City Hall used to be a school and she sat in the principal's office. He also stated that they had to be sure they filled out papers properly if running for office or signing some other official document. He thanked her and wished her good luck.

Kathy O'Connell thanked him and stated that she would miss their chat.

Councilmember Martin stated that, while she has only worked her for a year and a half, she has admired her for a long time. She stated that she was one of the smartest person she knew, because there wasn't ever anything she didn't know or couldn't find out. She mentioned that she had a very good skill set and had the glue the city needed and whoever comes in has some big shoes to fill. She thanked her for her service to the city.

Mayor pro Tem Vaterlaus asked how she was going to fill out that form they have to fill out so many times. She appreciated her, and agreed that she was always happy even when she had hundreds of requests that required so much work but she always took the time to talk to them personally. She always appreciated her for many years and will miss her.

Mayor Keener thought the City Clerk was one of the most public faces of city government and he felt she was a calming influence when a person might be upset about something. He thought she helped calm down some if not all. He also enjoyed his visits with her in the principal's office.

Kathy O'Connell thought that had a better ring than the crow's nest.

Mayor Keener wished her good luck in the next phase of her life.

Kathy O'Connell thanked them all.

The Council then took a picture with her.

Councilmember Digre added that she always did wonderful proclamations.

### **CONSENT CALENDAR**

<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 05/16/18 through 05/31/18.  
**PROPOSED ACTION:** Move to approve attached list of disbursements for 05/16/18 through 05/31/18.
2. Approval of Minutes  
**PROPOSED ACTION:** Move to approve the minutes of the regular City Council meeting held on June 11, 2018.
3. Cancellation of August 27, 2018 City Council Meeting  
**PROPOSED ACTION:** Move to approve cancellation of the August 27, 2018 regular City Council meeting.
4. Authorize the Recreation Manager to submit contracts to San Mateo County Area Agency on Aging for Older American Act (OAA) Grant Funding for Senior Services Transportation, Congregate Nutrition and Home Delivered Meal programs during fiscal year 2018-2019.  
**PROPOSED ACTION:** Authorize staff to prepare documents and the City Manager to sign contractual agreements and any amendments with the County of San Mateo Area Agency on Aging for Congregate Nutrition, Transportation, Home Delivered Meals and Supplemental Home Delivered Meals programs for the fiscal year 2018-2019. Authorize staff to pursue future one-time only funds, State funds or County support if they become available during fiscal year 2018-2019.
5. Adoption of a resolution approving contracts with the California State Department of Education for the purpose of providing child care and child development services for fiscal year 2018-2019 in the amount of \$814,244.  
**PROPOSED ACTION:** Adopt a Resolution entitled "A Resolution of the City Council of the City of Pacifica Approving Agreement to This Transaction with the California Department of Education for the Purpose of Providing Child Care and Development Services and to authorize the Designated Personnel to Sign Contract Documents for Fiscal Years 2018/19."

6. Approval of Amendment No. 1 to the Agreement between the City of Pacifica and Cotton Shires & Associates for the Milagra Creek Outfall Repair Project  
**PROPOSED ACTION:** Approve Amendment No. 1 to the Agreement between the City of Pacifica and Cotton Shires and Associates for the Milagra Creek Outfall Repair Project; Authorize the City Manager to execute all documents; and Approve additional budget authority in the amount of \$43,370.00 from the Disaster Accounting Fund to be reimbursed by insurance and Cal OES.
7. Approval of Contract Change Orders with R.E. Staite Engineering, Inc. for the Pacifica Pier Wall Caps Replacement Project  
**PROPOSED ACTION:** Approve Contract Change Orders 1 and 2 with R.E. Staite Engineering, Inc., amounting to \$41,649.47, for the Pacifica Pier Wall Caps Replacement Project; Approve increase in project budget by \$41,649.47, of which \$41,145.30 will be reimbursed by National Fish and Wildlife Foundation (NFWF); with the balance of \$504.17 covered by existing department budget.
8. Proposed Resolution Establishing the Appropriation Limit for Fiscal Year 2018-2019 Pursuant to Article XIII B of the California State Constitution and Accept Independent Accountant's Report on 2017-2018 Appropriations Limit  
**PROPOSED ACTION:** (1) Move to approve the use of percentage change in California Per Capita Personal Income Growth (3.67%) and the County of San Mateo Population Growth (0.50%) (2) Adopt the Resolution for the Appropriations Limit for Fiscal Year 2018-2019 and (3) Accept the Independent Accountant's Report on 2017-2018 Appropriations Limit Increment.
9. Resolution (1) Calling and Giving Notice for Holding a General Municipal Election on Tuesday, November 6, 2018 to Elect Three City Council Members for Full Four-Year Terms; and (2) Requesting San Mateo County to Consolidate the City's General Municipal Election with the November 6, 2018 Statewide General Election and to Provide Election Services.  
**PROPOSED ACTION:** Move to adopt "A Resolution of the City Council of the City of Pacifica (1) Calling and Giving Notice For Holding A General Municipal Election on Tuesday, November 6, 2018 to Elect Three City Council Members for Full Four-Year Terms; and (2) Requesting San Mateo County to Consolidate the City's General Municipal Election with the November 6, 2018 Statewide General Election and to Provide Election Services" and 3) authorize the City Manager to Execute the Service Agreement for the Provision of Election Services Between the City of Pacifica and San Mateo County Chief Elections Officer & Assessor - County Clerk - Recorder.
10. Review of the City of Pacifica's Conflict of Interest Code  
**PROPOSED ACTION:** Move to direct the City Manager to review the City of Pacifica's Conflict of Interest Code and prepare recommendations to update the Code, if necessary.

## **ORAL COMMUNICATIONS**

**Randy Wang, San Francisco**, stated that he was with San Mateo County Tobacco Education Coalition, California and was with the San Mateo County Tobacco Education Coalition. He was

present to talk about smoke free multi-unit housing, such as condos. He mentioned that the state released estimates of smoking prevalence each county and San Mateo County was estimated to have a prevalence of 6.6% which was the lowest of any county in California and they should be proud of that. He stated that there was still the issue of second hand smoke within homes and multi-unit housing where windows are close together and facilitate smoke traveling between windows. He stated that the County Tobacco Education Coalition was interested in helping cities if they decide to consider policies and give them information about that. He stated that there are many policies in the county about tobacco, and Redwood City was the most recent city passing a smoke free multi-unit housing ordinance. He stated that they have been helping with education between the time the ordinance was passed and when it will go into effect in about six months. He mentioned that a smoker in Redwood City said that the ordinance might be the thing to help him quit.

**Shalin Craig, San Mateo**, stated that she worked at the Youth Leadership Institute and did alcohol, tobacco and other drug prevention programs with the youth throughout the county. She was present now as part of the Tobacco Education Coalition to give them a quick update on their Coalition. She stated one big win was that the Board of Supervisors voted to adopt an ordinance to prohibit the sale of flavored tobacco products and prohibit pharmacies from selling tobacco products, and it was a great win in their efforts toward tobacco prevention to protect our youth as being targeted with marketing by the tobacco industry. She stated that, as mentioned, San Mateo had the lowest smoking rate and with recent wins they set an example for other counties and the state. She stated that a lot of cities in the county have adopted the policies around smoke-free multi-unit housing and she was looking forward to working with Pacifica and other cities.

**Anita Rees, Pacifica**, reminded everyone that they were still enrolling students in the Back to School program until July 16 and won't turn anyone away. She stated that they will have a list of needed items posted on their website and Amazon's. She stated that they need backpacks, and stated that Costco has the best price for backpacks, adding that they will welcome anyone willing to help with that. She asked that the donations be received by July 25 so that they have time to order what is still needed. She stated that they will be distributing on August 3 and 4. She mentioned their Palm-A-Palooza fundraiser is scheduled for August 18 and stated that more information can be found on their website or calling their office.

**Tygarjas Bigstyk, Pacifica**, thanked City Clerk O'Connell for all she has done.

### **COUNCIL COMMUNICATIONS**

Councilmember Martin stated that she was bummed that she missed the Pacifica Resource Center plaque dedication as it was the same night as the Library Advisory meeting. She suggested that people stop by and check out the plaques. She stated that the Library Advisory Committee was still working on plans to present to the public. She stated that the Pacifica Beach Coalition's next cleanup is July 5 and she encouraged everyone to join them. She stated that the organizations that sold fireworks will be there, as well as the next few Saturdays. She mentioned that the Beach Coalition has "give back days" and companies such as Genentech clean beaches and weed various areas and plant native species on the switchbacks. She thanked the Youth Leadership Institute for coming, stating that she met with them and encouraged Councilmembers to do that as well. She appreciated the Board of Supervisors passing new policy and thought it was very telling that Daly City has a restriction on smoking in multi-unit housing. She stated that she has rented most of her adult life and she felt this was key for people's health and our environment. She added that the major source of litter on the

beaches was cigarettes. She suggested that they start talking about putting a Pacifica policy in place. She reminded the public who were coming and asking the city to look at our investments in weapons and fossil fuel companies that it was still on their radar but budgeting has taken most of their time. She stated that she will be meeting with the CCAG Bike and Pedestrian Committee to learn more about the upcoming grant cycle.

Mayor pro Tem Vaterlaus also went to the Library committee and they will start seeing the designs around the city and people will ask questions about what you would like to see in the libraries. She attended the CCAG's legislative committee where they discussed the results of the election. She stated that the CCAG water committee was forming a new collaborative water group to help with funding as a lot of it was cross jurisdictional and cities need to be involved with each other rather than cities making decisions on their own. She attended the ribbon cutting for Dr. Thomas' chiropractic office of 25 years. She attended the Pacifica Democrats where the mayor told interesting facts about presidents and Congress. She attended the sea level rise meeting the previous Saturday where a lot of questions were asked and answered. She liked the addition of the Coastal Commission staff with their perspective.

Councilmember O'Neill attended the sea level rise meetings and the Pacifica Democrats, as well as the Economic Development Commission meeting. He mentioned the wild fire discussion scheduled on Saturday at the Linda Mar Firehouse.

Councilmember Digre stated that a lot of things have happened in the different committees. She stated that, in November 2019, there will be the anniversary of the Ohlone Portola Heritage trail or also known as the discovery of the San Francisco Bay and Sweeney Ridge in Pacifica. She stated that they have been working with the city to get an accurate historical trail for the native Americans. She mentioned that they working at sprucing up Pacifica, reaching out to businesses and hotels that can help have something for people to do besides just go to Sweeney Ridge. She stated that they want Pacifica to stand out and not let all the benefits go to Half Moon Bay or Palo Alto, etc., and the Open Space Committee and Economic Development Committee were working on things to figure a way to market things commercially. She stated that they haven't had a connection with their sister city, Portola, in Balaguer, adding that they want to succeed from Spain and they aren't sure they will pay attention to our celebration. She stated that the Open Space and Parkland Advisory Committee chose two people for the award, Paul Jones and former Councilmember Julie Lancelle. She stated that the SF Airport issue continues. She has done extra research on fresh water, which is a big concern and she felt that we also have to have a really good sewer system, and need to be on the forefront and not second fiddle to anyone else.

Councilmember Martin stated that they all received a letter from a kindergarten class at Ocean Shore, specifically referring to their request for the city to do away with single use plastic straws, and she read the letter. She mentioned that it was also brought up at the previous Council meeting and brought up for discussion as part of the city's goals.

Mayor Keener attended the CCAG board meeting and the Congestion Management and Environmental Quality, the ceremony to "admire" the plaques at the Pacifica Resource Center, the adaptation plan workshop for sea level rise, the Pacifica School District party where they said goodbye to Wendy Tukloff and hello to Heather Olson, the new superintendent. He attended the Pacifica Gardens' 10<sup>th</sup> anniversary celebration and read a proclamation. He thanked them for all they have done on the garden. He then referred to asylum seekers at the border, stating that it was beyond cruel and a cruel policy like many others of Mr. Trump's administration. He stated that they have come to America because their own country was

taken over by gangs and their children are being forced to join the gangs and to avoid that, the families leave. They know when they get here and announce themselves to border patrol they will be separated from their children but they feel it is better than staying in their country. He stated that he cannot stand our policy and had to comment on it.

## **STAFF COMMUNICATIONS**

City Manager Woodhouse referred to the upcoming event mentioned by Councilmember O'Neill on Saturday, June 30, which is a wildfire preparedness informational event from 10 am -1 pm at the Linda Mar Fire Station with information for citizens of Pacifica on how to be prepared in the event of a wildfire. He stated that it was a collaboration of North County Fire, Police Department and County Emergency and Disaster Preparedness Commission, etc. He wanted to remind everyone that Pacifica takes enforcement of municipal codes regarding illegal fireworks very seriously with \$1,000 fine for use of illegal fireworks. He stated that the bottom line was safety for our community and suggests that they use only legal fireworks. He then thanked City Clerk O'Connell. He stated that when he started eight months ago, she was welcoming and supportive. He stated that, from a City Manager's perspective, the professionalism of a city clerk was the process glue to allow our local governmental democracy to work, such as preparing agendas, distribution, minutes, etc. He stated that they have been doing some cross training with several individuals and will be conducting a recruitment and they will have a new clerk who will try to fill her shoes.

Councilmember O'Neill referred to receiving PG&E's letter on wildfires and he thought it was a coincidence that they had this wildfire awareness event on Saturday and he encouraged everyone to go to find out what they can do, mentioning that there are many plants on people's property that are flammable.

## **PUBLIC HEARINGS**

11. Conduct Public Hearing and Adopt Resolution Confirming the Annual Report from the Pacifica Hotel Business Improvement District, Approving the Program of Expenditures, and Assessing the Levy for Fiscal Year 2018-19 at the Same Rates Levied in Fiscal Year 2017-18 Without Change.

**PROPOSED ACTION:** 1) Conduct the Public Hearing; 2) Rule on Oral and Written protests, if any; and 3) Adopt the resolution confirming the annual report of the Pacifica Hotel Business Improvement District Advisory Board and continuing the assessments levied in 2017-18 without change in Fiscal Year 2018-19.

Economic Development Manager Myers presented the staff report.

City Clerk O'Connell confirmed that the city had not received any protests as of the public hearing date.

Councilmember Digre asked about the role of the BID.

Econ. Dev. Mgr. Myers stated that assessments are collected from the BID and are spent by the Pacifica Chamber of Commerce to promote hotel stays, tourism and economic development within Pacifica and make sure the hotels are represented in the city and the region.

Mayor Keener opened the public hearing and, seeing no one, closed the public hearing.



Asst. City Attorney Bazzano asked clarification that the mayor was closing the public hearing.

Mayor Keener stated that he was closing the public hearing.

Councilmember Digre referred to the economy getting better and stated that at one time we had a Visitors' Bureau and she thought either the city or Chamber or both were responsible to work on having a visitors' bureau, especially during the weekend. She stated that, in the Rockaway area where there are hotels, people were asking where they can go for various issues. She stated that at one time they had a more rigorous open door where the Chamber housed the visitors' bureau and she hoped they will look into that as a city in cooperation with the BID and Chamber to address that more.

Councilmember O'Neill moved that the City Council accept the BID report as stated; 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

12. Appeal of Skyridge Homeowners Association from the decision of the Parks, Beaches and Recreation Commission to uphold the appeal of Heritage Tree Removal Application No. HT-008-18 and disapprove the removal of trees.

**PROPOSED ACTION:** Conduct a public hearing to consider appeal of Skyridge Homeowners Association and approve, disapprove, or modify the decision of the Parks, Beaches and Recreation Commission.

PB&R Dir. Perez stated that he was joined by the Public Works Park Supt. Aren Clark and PB&R Commission Chair Mary Bier and they would have a two-pronged staff report, starting with Mr. Clark.

PW Park Supt. Clark presented the staff report. PB&R Dir. Perez continued the staff report.

Mayor pro Tem Vaterlaus stated that she did stop by the area but didn't look at the trees specifically, and she stated that the pictures show them at angles that are not proper for trees. She asked if staff assessed the trees themselves and found they are hazardous.

PW Park Supt. Clark stated that he looked at the trees and felt they met the criteria for removal as the lean appears to have been some time in the past but they were large enough now that the roots are exposed on the back side of the trees with soil upheaval and he didn't think, in their current condition, they were safe. He stated that they fifth tree did not have a corrected lean and there are some roots pulled out of the ground on that tree. He thought removal was a reasonable option.

Mayor pro Tem Vaterlaus stated that the code says they will be replaced with the same type of tree. She stated that one of the letters they received commented that it might not be the proper tree to have there. She asked if there was any consideration to changing the type of tree and the size of the tree replacing the existing trees if they are cut down.

PW Park Supt. Clark stated that no one specified the size of the trees and there were options as it can be specified. He would not advise against changing the trees but he thought the Planning Department was involved in that. He stated that the trees were specified in the original landscape plan and to alter that would be a process but he wasn't sure how it would be done.

Councilmember Martin asked if the trees generally lean or a product of the environment.

PW Park Supt. Clark thought when you first plant a tree the roots aren't very established as the roots in a container are substantially smaller than on a tree that grew naturally in the wild. He stated it takes 2-3 years for the roots to get established and depends on how well they were planted. He thought, in the first few years, the first four trees probably fell over when they were small and no one corrected it and they were left to grow that way.

Councilmember Martin concluded it was a product of its environment.

PW Park Supt. Clark agreed, stating it was bad luck.

Councilmember Martin asked PB&R Chair Bier if she had anything to add.

PB&R Chair Bier stated that she did. She stated that it was their job as a Commission to look at everything and consider all options and angles before they make a decision and one thing they weren't able to do was speak to the Homeowners Association because they weren't present and she thought it had a lot to do with their decision. They asked most of the questions that Mayor pro Tem Vaterlaus asked.

Councilmember Martin stated that they have a packet with letters, but it was the same letter with different signatures and addresses. She asked if they could explain to her what the letter was saying, adding that she was confused by it. She stated that letters asked the Council to uphold PB&R's decision to uphold the appeal of the heritage tree removal. She asked if those letters were supporting the decision by the PB&R.

Asst. City Attorney Bazzano understood that the letters were from those who filed an appeal so it may be more appropriate to ask them to comment upon the content of their letters if they choose to speak during the public hearing and if Council determines to proceed with the public hearing.

Councilmember Martin stated that, if anyone from the public has signed one of those letters, she recommended they put their name in to speak so they can hear what they have to say on this.

Mayor Keener stated that there was someone.

Councilmember Digre stated that she was not clear on one statement, stating that something was not within their authorization. She stated that it came after the comment that the HOA felt it was necessary for safety.

PB&R Dir. Perez stated that, in the Homeowners Association appeal, they stated a reason for the appeal of the Commission's decision, which was that they felt it was necessary for the safety of persons and property of their Homeowners Association and in addition they stated that Public Works and Planning Departments have received appeals from owners within their association requesting that the tree removal permit not be issued. He stated that it appeared that their reasons are not related specifically to the stone pines but some other tree removal issues that are not within the authority of the Association.

Councilmember Digre asked if the HOA was assuming that the residents are upholding the PB&R and are talking about some trees that are not the same trees.

PW Park Supt. Clark stated that there are other tree issues and he and Mr. Ellsworth were discussing that further, but the Homeowners' Association was aware of the trees they are discussing at this meeting.

Councilmember O'Neill thought Councilmember Digre might be referring to the Council having received previous letters from Mr. Ellsworth and there was a contractor cutting down trees that are not on the property or under the control of the Homeowners' Association. He stated that what they are saying in their appear was that the people are complaining about these trees but their real issue is with the other trees that are not on the Association's property.

Councilmember Digre thought that was what she heard and was confusing to her and she was still confused.

Mayor Keener stated that they will have a chance to hear from them.

Councilmember Martin though it was important that she was not confused on the trees to which they were addressing.

Councilmember Digre thought it would be cleared up when they spoke. She stated that one question was whether there were other alternatives that the HOA recommended rather than taking them out.

Mayor Keener stated that he has a question about the safety angle, as the Commission said they looked awkward but seemed fairly stable, and he agreed with that. He stated that they had time to compensate for the horizontal growth by sending out vertical leaders again. He stated that it appeared to have been going on for a few years. He wondered about the potential safety risks that they see or the Homeowners' Association sees.

PW Park Supt. Clark thought it was a matter of opinion, and he thought the trees at this point do represent a risk and are continuing to grow. He thought five years ago they didn't represent a risk. He stated he was correct that a tree adapts to its growing conditions and there is literature that says a natural lean was not necessarily something to worry about, but he leaned toward the other direction as one of the trees, if it falls over, will hit the house, break windows, glass door, and he thought that was substantial damage.

Mayor Keener asked which tree that was.

PW Park Supt. Clark thought it was tree 2 and a couple are leaning over yards and less likely to cause much damage. Tree 5 is leaning over a parking lot but it was a visitor parking lot and was not occupied all the time. He stated that, if they issue a removal permit, it doesn't mean that the Homeowners' Association has to remove the trees, but saying that they think that option should be available to them in dealing with the trees. He didn't think the trees were safe in the present configuration. He stated if the Homeowners' Association wants to pursue other options besides removal, that was okay but he didn't think they will have a lot of luck with a pruning option on a lot of the trees. He stated that they will continue to grow and not doing something would not be a good idea.

Mayor Keener concluded that tree 2 has the potential for actual damage to the house and the others somewhat less damage.

PW Park Supt. Clark stated that it was hard to predict damage as they are leaning over yards and if someone were in the yard when the tree fell, it would be a problem. He thought, if the trees were to fall, it would more likely happen towards the end of winter when the ground is saturated and trees are heavy from water and would be during a storm when no one would be outside, adding that there was no guarantee.

Councilmember O'Neill understood that the roots were unstable but the trees were green, and he asked if the roots could die and the tree could be a fire hazard at some point because of the roots being dead.

PW Park Supt. Clark stated that the trees are healthy and there is no issue with that, just the structure or stability.

Councilmember O'Neill concluded that the roots are still viable even if they are messed up.

PW Park Supt. Clark responded affirmatively.

Asst. City Attorney Bazzano stated that, as an alternative to the public hearing, per Municipal Code Section 1-4.04, Council may refer the matter back to the Parks and Recreation Commission for reconsideration.

Councilmember Martin stated that the commission was seven members and there were only five members in attendance when they voted on this.

Mayor Keener asked if they could refer it back to PB&R Commission after a public hearing.

Asst. City Attorney Bazzano explained that the Code stated any appeal which is heard by the Council may be heard and considered in one of several ways, have the hearing or refer the matter back to the Commission for reconsideration.

Mayor Keener concluded she meant either one or the other.

Councilmember Digre asked, if they choose to have the hearing, whether part of their deliberation does not allow them to send it back to the Commission.

Asst. City Attorney Bazzano reiterated that the code talks about an either/or situation.

Councilmember Digre concluded that the answer would be no.

Asst. City Attorney Bazzano agreed that if they proceed with the hearing, they would retain discretion to make the final decision, but if they decide to refer it back to the Commission, they should not conduct the public hearing.

Councilmember Martin stated that she would prefer to send it back to PB&R as tree appeals are a big deal for PB&R and, as a former commissioner, they are given thorough investigations and is taken very seriously. She would like to see all seven members for a vote.

Councilmember O'Neill asked, if they send it back to the PB&R Commission and if one side does not like that decision, if it would come back to Council.

Asst. City Attorney Bazzano stated that decisions from the PB&R are appealable to Council and theoretically it could come back to them.

Councilmember O'Neill stated that he didn't see the point of sending it back to PB&R and even if the two were there, that would not change the outcome.

PB&R Chair Bier stated that there was a section that they didn't get to explore that night, which was not being able to ask the Homeowners Association any questions at all and they don't know if the responses will be the same if they send it back.

Councilmember O'Neill asked if the Homeowners' Association was present at this meeting.

Mayor Keener stated that they were but they were not ready to have the public hearing.

Councilmember Martin stated that both Councilmember O'Neill has a good point as does Chair Bier.

Mayor Keener asked for input on sending it back or hold the public hearing.

Councilmember Martin stands by her decision to send it back.

Mayor pro Tem Vaterlaus feels bad about the people who came to this meeting to talk about this, and they will send them away for another two months and them maybe come back to Council.

Councilmember Digre stated that because the HOA is present to answer questions she was inclined to deal with it as they were present.

Mayor Keener stated that he was as well.

Councilmember O'Neill also was in favor of going forward now.

Mayor Keener stated that they will proceed and opened the public hearing.

**Cliff Bates, Association Manager**, stated that it was an error and a mistake that they weren't at the PB&R meeting as they had short notice and they thought the facts were very clear. He then stated that the Board asked him to represent them, and they prepared a statement which he read which gave the details for the request to remove these five trees and replace them, explaining that they have enough land to put them where there will not be any risk to the property. He concluded that this appeal was based on a cypress tree removed by an adjacent property owner which the Association had nothing to do with that and were surprised. He stated that it has no bearing on this request, and they support staff's request to remove them to ensure that there is no risk for the homes, personal property and possibly persons.

Councilmember Digre referred to his mention of the Water District and she asked if it was a homeowner who did that or the Water District.

Mr. Bates stated that it was explained to him that the Water District had a request to remove the tree.

Asst. City Attorney Bazzano stated that Mr. Ellsworth was the appellant at the PB&R meeting and he should receive the equivalent amount of time as the actual appellant at this hearing.

**Steve Ellsworth, Pacifica**, asked, before his time started, if he could address the question about the letters. He stated that the letters were written by people in adjacent homes wanting to support the PB&R decision to not remove the trees and uphold his appeal. Councilmember Martin thanked him for the clarification.

Mr. Ellsworth then thanked the PB&R Commission to uphold their appeal to deny Skyridge permit application to remove the heritage trees. He stated that he wasn't asking for anything more than what was contained in the city's heritage tree ordinance. He agreed with PB&R Commission's decision that these trees are not a safety danger to property. He hoped the Council upholds the decision. He mentioned that PB&R Chair Bier visited the site and didn't find any danger to homes or property. He appreciated that they let him speak on his appeal. He felt that they were doing a great job, especially since the HOA manager and the Board of Directors of the Association failed to appear at their own permit hearing. He referred to a discrepancy in the new information where it only mentions four trees and he asked if they were now planning to cut four or five. He mentioned that it was several different numbers of trees since the application. He referred to the permit application which he stated says cypress 3 even though everyone denies that. He stated that he was not asking the Skyridge Homeowners' Association to do anything other than what was in the ordinance. He stated that the city requirement was clear and he asserted that the trees were not a safety issue as described on the permit application as a reason for removal, adding that he has not seen a certified arborist report stating that the trees were imminent danger. He stated that he had talked with PW Park Supt. Clark who told him the trees would not fall if trimmed but was concerned that the Association would not do their due diligence. He stated that he didn't see how planting the same species in the same location would net a different result. He pointed out that all trees in Pacifica had similar situations and he personally did safety checks on the trees, such as hanging his 210-pound body from one of the branches, and did not find any problems. He stated that the appeal was not referring to the trees removed by the Water District but just these five trees. He stated that the city arborist confirmed that the contractor did not following pruning instructions and cut limbs not marked for pruning. He has asked for copies of documentation and never received anything and they were not posted per the city ordinance. He has not received either an arborist report and a biologist report has not been prepared for the Monterey cypress and endangered species that habitat the species. He thanked the City Clerk who put things in the Council's packet for him, as well as providing him with all the information he has for his presentation. He referred to concerns expressed by prior Councilmembers. He stated that the HOA Board are not above any laws and he was asking the Council to look at his original appeal to deny the permit application and confirm that they meet the requirements of the city. He also has letters from residents who indicate they care and do not want any trees removed as they are not a safety issue and should be maintained by the Association.

Councilmember Martin stated that she was unfamiliar by the workings of an HOA, and asked if those decisions were made by a majority vote.

Mr. Bates stated that it was and there were five members on the board.

Councilmember Martin asked how many units were in the HOA.

Mr. Bates stated that it was 95.

Councilmember Martin asked if he said 50.

Asst. City Attorney Bazzano asked if they could have the speaker come up to the podium.

Mr. Bates stated that there were five members on the board and 95 homes in the association.

Councilmember Martin asked if he was a member of the board.

Mr. Bates stated that he was not; he was the manager.

Councilmember Martin stated that the decisions were made by majority so it could be 4-1.

Mr. Bates stated that they have a quorum requirement but, on the night that the decision was made, he thought all five were present.

Mayor Keener referred to the beginning of his presentation, stating that he mentioned four trees, not five.

Mr. Ellsworth stated that, in the appeal to the Council, they mentioned four in the packet. He stated that whenever he called Mr. Bates with questions they didn't get straight answers.

Mayor Keener referred to the cypress trees being pruned incorrectly and not according to PW Park Supt. Clark's directions, and asked if those were the cypress trees in the permit application.

Mr. Ellsworth stated that he did not because he never saw the detail behind that, adding that he only viewed the five trees, the stone pine which he found to be in safe condition growing healthfully. He stated that, when PW Park Supt. Clark talked to the neighbors, the trees that were the most contentious, they did not have a problem with them and didn't know they were proposed to be cut.

Mayor Keener asked how many letters they got.

Mr. Ellsworth stated that they were 25 and were approximately 25% of the development. He stated that their association did not always listen to their requests.

Mayor pro Tem Vaterlaus asked, if they uphold this and the trees are not cut down, whether they have no liability if the trees do fall down.

Asst. City Attorney Bazzano stated that, as mentioned by PW Park Supt. Clark, once a permit is issued the city does not have any control over the properties and they would not do anything to enforce the removal of the trees. She concluded that she was asking about the discretionary decision of this item and whether there would be immunity. She stated that there would be immunity afforded to the city for discretionary actions taken to approve or deny a permit.

**Tony Benningfield, Pacifica**, stated that he and his wife moved there a year ago. They love the neighborhood, and his concern was the tree directly behind their property which he thought was tree 5. He stated that the tree is on a hill, leaning over his back fence and three guest

parking spots, and there are only 7 guest parking spots and neighbors park there all the time. He stated that, regarding a safety issue, he spoke to the arborist, and that tree does not have a corrective up lean and leaning in the same direction as the wind, and he assumed was bad. The arborist didn't think the mitigating pruning would be a good idea. He has legal training with landlord/tenant issues and stated that his concern was whether they need to shut down the three parking spots under the tree as the HOA is on notice that there was a leaning tree and experts say it is a problem, and if it lands in his backyard, he considers that a problem. He stated that the expert told him that, if the tree is leaning, it should be taken down. He didn't want to see anything happen to any car, fence, or person and it felt like a straightforward issue to him.

**Oscar Panes, Pacifica**, stated that the house where they were discussing the tree leaning over the property was his house. He stated that there were dollars involved but his biggest concern was the safety of his family, mentioning expecting a baby. He stated that it is leaning over their bedrooms and if it goes down in the middle of the night, they won't know anything but that there is a 3-ton tree in their lap. He stated that he didn't care about the other trees, but he wants that one tree behind his home taken down. He stated that 210 pounds against a 3-ton tree did not make any difference. He asked that Council study every consideration, as he was speaking for his family and he needs to say something if they are in danger.

Asst. City Attorney Bazzano asked the mayor to give the appellant an opportunity for rebuttal. She clarified that, for this hearing, the appellant was the Homeowners' Association.

Mr. Bates stated that it was confusing. He stated that they had no intention of taking out any cypress trees. He stated that there was pruning showing on the paperwork attached to their permit but they didn't need any permits for the pruning.

Mayor Keener closed the public hearing.

Councilmember Digre spent time studying the area and she went up pretty far and had to hang on to the tree to get down without slipping, observing that it seemed to be a very firm tree. She mentioned PW Park Supt. Clark stating that they have been growing with the roots exposed for a while but she noted that the ends of the roots were obviously in the soil. She mentioned that some trees are braced in windy areas. She stated that it looks like it is holding the soil and there was a drainage ditch that was cemented and she thought it was because there was drainage from somewhere and it could cause problems for the safety of the homes. She stated that there was some greenery growing close to the soil and she thought it was holding the soil in place which might be another mitigation as the soil has more roots working for cover along with the trees. She then mentioned seeing several trees that might need more attention than those listed and she wondered why those other trees were not being singled out. She stated one was cracked, but these listed were not cracked. She then referred to a pole and thought there was a lot of thought put in to holding up that pole, which she thought should be taken down. She was concerned about taking trees out when they are helping stop water drainage that could be harmful to the Homeowners' Association, but she would not want to see something not done to help prop them up to grow and help the root system, adding that she thought the root system didn't look like it was in trouble. She asked if there was an alternative to save the healthy tree and protect the homeowners, but she hasn't heard anything like that.

Councilmember Martin thought it was hard to make a decision based on five trees in different locations and she thought it was hard to make them separately. She asked the city attorney if



there was the option of separating the trees in deciding which should be removed and which should stay.

Asst. City Attorney Bazzano stated that Council can modify the decisions of PB&R Commission which could include separation of the trees.

Councilmember Martin stated that as a PB&R Commissioner she has done something similar for a couple, and she appreciates the decisions by the thoughtful commissioners. She usually agrees with the decisions because of their experience. She stated that she lives on a hillside with tall trees and has the same issue of wanting the trees to protect her from a mudslide but not fall on her house. She stated that she had the Butler brothers come out and look at her backyard and she was told that three needed to come out. She questioned one other that seemed healthy so she understood that, even if she was told it was healthy, etc., she was scared of the tree and she appreciated the observations at 550 Seaspray Ct., and was concerned because of a new baby and parking. She was disheartened that the HOA did not show up to the initial appeal. She thought it was their job and duty and she thought that 25 residents out of 95 homes was a large amount, adding that there was probably more than 25 because they probably didn't reach everyone. She recommended upholding the PB&R Commission with the exception of the 550 Seaspray Ct., if that was tree 4. She stated that, when living in a HOA, you are at the mercy of the HOA and you can't have trees removed on your own.

Mayor Keener asked if tree 4 was potentially impacting 550 Seaspray.

Mr. Panes stated that he didn't see how the trees were numbered and mapped, but he brought his own pictures of that tree which appeared to be more significant than what they have.

Mayor Keener asked if staff knew.

PW Park Supt. Clark thought tree 4 was closest to the walkway he described in the part of viewing the trees. It would be the first one, closest to the walkway, when you walk between the two buildings. He thought tree 4 would be the first one, the most northern one.

Councilmember Martin asked if she could show the pictures which she was looking at and confirm if it was tree 4.

PW Park Supt. Clark stated that he didn't know where the house was in relation to tree 4.

Mayor Keener stated that, on the map, they indicate tree 6 was behind Seaspray Ct.

PB&R Dir. Perez stated that the numbers on the map do not correspond to the numbers of the trees and were areas that the Butler Tree Service would be working and was part of their proposal for work. He thought trees 1-4 were located in the open space behind Seaspray Ct. and there were two areas relating to pruning and other things.

Councilmember Digre asked if the homeowner could look at it.

Asst. City Attorney Bazzano stated that she can walk it over.

Mayor pro Tem Vaterlaus asked, if trees 1, 2 and 3 fell, whether they would fall on any home, walking path.

PW Park Supt. Clark stated that tree 1 would most likely fall on a fence, tree 2 would hit the house, tree 3 just the fence and tree 4 would most likely hit the house. Tree 5 would fall in the parking area.

Mr. Panes stated that it looks like tree 2 was the one as it matched his fencing.

Mayor Keener asked if tree 2 was the one he was concerned about.

City Manager Woodhouse referred to Councilmember Martin's suggestion, and, when the Council makes a motion, because of the confusion of the tree numbers, he stated that they specify that it is the tree threatening that specific property.

Councilmember O'Neill suggested they tie a yellow ribbon around it.

Mayor pro Tem Vaterlaus stated that they have yellow notices. She stated that she loves trees, but she was concerned about trees falling in houses which can happen in a heartbeat and has happened many times in Vallemar where the house was crushed and there could be a person. She was concerned about people more than concern about the trees that could fall into a house such as trees 2, 4 and 5. She would like to see those trees cut and the other two that would only fall on a fence could remain.

Mayor Keener agreed that trees 2, 4 and 5 because of potential danger to property but more importantly to people within that property.

Councilmember Digre stated that she didn't see any alternative to cutting the tree down. She reiterated that it was a health tree on a hillside and the drainage ditch is there for a reason, and she thought they also had water pipes. She agreed about concern for the tree falling, but she felt if it was a healthy tree and could be propped to grow in a different direction and pruned to prevent it from injuring anything. She was concerned about the erosion factor on a hill as it could mean bad things for homeowners. She felt erosion was a frightening thing and she felt you could prune or prop a tree to grow up and she didn't understand why they would want to take away the root structure under it which are strong and hold soil together.

Councilmember O'Neill stated that he has a hill behind his home and he has had two trees fall on his house, on his daughter's bedroom and recently a 35-foot tree falling on their deck. He sees some branches on these trees that, with a big wind, it could blow them into the fence and into the houses. He felt there was a danger of trees or even branches falling and hitting houses. He would support removal of all the trees based on staff's recommendation.

Mayor Keener stated that whatever trees they decide need to be removed will have to be replaced. He asked if he was correct that the Municipal Code stated they will be replaced by the same type of tree and they didn't have a lot of wiggle room on that.

Asst. City Attorney Bazzano referred to City Code Section 4-12.05E, which stated that in order to mitigate the adverse effect of a tree removal, the permit may be conditioned upon relocation, planting of replacement trees or payment of fees in lieu of if on site replacement was not feasible.

Mayor Keener stated that it didn't say that it has to be the same type of tree.

Asst. City Attorney Bazzano stated that it does not specify that it has to be the same tree. She thought PW Park Supt. Clark referred to the development plan when the development was initiated, and there may be some requirements in that which specify the type of tree.

Mayor Keener asked PW Park Supt. Clark, if they removed some or all the trees, if they could plant new stone pines or other trees in the same general locations to maintain shade, etc. afforded by the trees.

PW Park Supt. Clark agreed that you could plant the same tree and it would be a period of time before they get the same coverage. He stated that trees come in three sizes and it would be difficult to get a large tree in that area. He stated that many time they were better off planting a smaller tree because the roots establish quicker and a smaller tree outperforms the larger tree within a couple of years because they become established better. He stated that a tree won't start to grow until the roots become established in a new soil. He thought sometimes a larger tree was counter productive. He referred to the pruning, and clarified that he never said that pruning would be a solution. He said it was an option that they can look at. He stated that, when he looks at a removal permit, he looks at the tree and decide if it can be pruned within normal ISA standards. He didn't think they could get the safety factor with these trees without going outside of the guidelines. He added that they have the option to do a substantial pruning permit, and if the Homeowners' Association wants to look at that option, get an arborist out there and put a pruning plan together, they can look at but he felt that would be difficult with these trees for various reasons, such as because the foliage on this type of tree was concentrated mostly at the tips of the limbs and it was hard to get a good reduction on the tree and they have to remove sections of the tree to get the weight reduction. He thought that was why you would exceed normal pruning guidelines and it was up to the Homeowners' Association as they can manage their trees as they see fit. He stated that the removal permit does not require that they remove the trees but just provides that option if other options fail. He thought it would be very difficult to prop trees, stating that he has seen it done and it was very expensive. He disagreed with not doing anything as he thought they did represent a risk as they stand now as they will continue to grow larger and some mitigation plan needs to be put in place, whether removal, trimming, etc., and the HOA should be given as much leeway in determining how they want to do that.

Mayor Keener thought the original permit application stated that they wanted to remove them.

PW Park Supt. Clark agreed that was the original plan.

Councilmember Digre stated that giving a permit to remove left it up to them as to whether they remove it or not.

PW Park Supt. Clark responded affirmatively.

Councilmember Digre stated that, assuming they do remove them and add a tree, the last time it was done it wasn't followed through properly and the trees are growing in that direction, and she asked if they should give some kind of directive as to how deep they should go, how often they should check them, put something to ensure the growth goes up rather than horizontal.

PW Park Supt. Clark stated that was all pretty standard. He stated that, when you plant a tree, it was very common to dig a hole the size of the pot and put the tree in that hole. He stated that on soil that rocky, which was graded with not a lot of top soil, if they don't disturb the soil, they should do three times the width of the root ball when you plant the tree to allow the roots, they

will react as if they are still in the pot. He stated that it didn't look like it was the case here, but for whatever reason the tree fell over. He didn't know if they were staked. He mentioned that normally they plant a tree, come back after the first year and do what is called a structural prune to eliminate the problems to which they were referring by removing branches growing in the wrong direction, has a central trunk and is pruned and maintained in a size smaller than they would want to achieve in a natural environment. He stated that it cannot grow to full size with the root structure the way it is and it becomes a matter of how they want to manage them and the Homeowners' Association needs to make that decision.

Councilmember Digre was asking for that because the Homeowners' Association doesn't seem to have a track record of doing that and even at this meeting the manager is here but no board members present or are not speaking. She asked, if they go with his recommendations, whether they could put directives in align with what he suggested.

Asst. City Attorney Bazzano stated that they can because the Code provides in Section 4-12.05F that the permit could be conditioned consistent with the overall scheme of the code.

Mayor Keener concluded that, if any of the five stone pines were not approved to remove, they could prune them and it doesn't require a permit.

PW Park Supt. Clark stated that it doesn't require a permit if you do it within the guidelines, and he thought, as he thought these trees were not safe, to make them safe they would want to trim outside of the guidelines which would require the owners to consult with an arborist and put a plan together. If it was reasonable, they would do that or they could harm the tree and make it more susceptible. They were heavy and they may want to remove some of the weight because of a compromised root system.

Mayor Keener referred to Mayor pro Tem Vaterlaus' proposal to remove trees 2, 4 and 5, and asked if they could say on trees 1 and 3 that they will permit pruning beyond the guidelines.

Councilmember Martin stated that PW Park Supt. Clark said that, if they have to prune it further, all they were doing is making it more susceptible because the foliage on the tips were being left with more mass trunk. She questioned why they would open it up to more susceptibility.

PW Park Supt. Clark stated that his reasoning was that he felt that, in their current condition, they were too heavy and were getting heavier as they continue to grow and some weigh reduction needs to be done. He stated that, if they can do it within ISA guidelines, they don't need a permit. If they talk to an arborist and feel that they need to go further, they can entertain that idea if an arborist feels that it was a better option. He stated that it was up to them to make those determinations with the tree care provider and the city can issue a permit if the homeowners find that it was a better option to do that.

Mayor Keener stated that, for him, it gets them to Mayor pro Tem Vaterlaus' proposal to remove trees 2, 4 and 5 and let the Homeowners' Association consult with their arborist and come back with a request for a permit on 1 and 3.

Councilmember Digre was fine with that, adding that her main concern was erosion control as part of the safety factor.

Councilmember O'Neill asked that they refresh his memory. He stated that Ian Butler's Tree Service came out and he was a certified arborist.

PW Park Supt. Clark responded affirmatively.

Councilmember O'Neill asked if he had looked at the trees and say that the best thing to do was removal.

PW Park Supt. Clark thought these were based on his recommendation but he didn't think he had done a formal arborist report. These were recommendations that he saw in a bid proposal put forth to the Homeowners' Association and he didn't know if they discussed a pruning option.

Councilmember O'Neill concluded that they had half an arborist report and he recommended removal.

PW Park Supt. Clark stated that, as a private contractor, he would recommend removal of the trees and he recommended removal of them now. He added that he was not discounting other options. He stated that the homeowners owned the trees and have the right to do as they see fit with regard to that.

Councilmember Martin concluded that they have to get to a consensus at this time and she thought it was part of their duty to ensure that people of Pacifica are protected and she agreed with the removal of the trees that would threaten homes and lives, but for the other two that would protect some level of erosion, she would recommend leaving them as is and denying the application to remove them.

Councilmember O'Neill asked if she was making the motion for removal of the one over the parking lot.

Councilmember Martin stated that she was as that was one of the three included.

Mayor Keener thought replacing trees 2, 4 and 5 with something similar but not exactly the same species.

Mayor pro Tem Vaterlaus stated that the development permit said they had to be the same tree. She stated, as long as they replace the trees and go along with the development permit says, that they don't want to get into changing that.

Councilmember O'Neill stated that he would second Councilmember Martin's motion.

Asst. City Attorney Bazzano clarified that they would be modifying the Commission's decision and specifying what trees they want removed and which will stay in place and the conditions they were imposing upon the removal which would be a replacement.

Councilmember Digre asked if they could put some kind of erosion control.

Councilmember Martin asked the City Attorney if she wanted her to repeat that.

Asst. City Attorney Bazzano stated that she was just providing clarification.

Councilmember Martin moved to modify the PB&R Commission to leave the two trees that do not threaten homes or lives and grant the permit for removal of the three trees that do threaten homes and lives, two close to homes and one near the parking lot, whichever numbers they

may be, and make a specification upon replacement that it goes along with the development plan of the same and/or like species.

Asst. City Attorney Bazzano stated that she was conditioning the removal requirement with the replacement of trees.

Councilmember O'Neill stated "per the development permit."

Asst. City Attorney Bazzano agreed that it was "per the development permit or land design permit."

Councilmember Digre asked that they add something about erosion because they may not replace the tree for a long time. She asked if they can add a condition to protect erosion control when they remove the trees.

Councilmember Martin asked if they have a time line to replace the trees.

Asst. City Attorney Bazzano stated that they have a motion pending, and Councilmember Digre has asked to modify her motion.

Councilmember Digre stated that she did.

Councilmember Martin asked if they have a time line for replacing the tree, and if within six months, she asked if it was worth doing anything.

PW Park Supt. Clark stated that it was normally something they write into the permit in mitigation and you can pick a time frame.

Councilmember Martin stated that she would add that within six months of removal of the tree it has to be replaced. She asked if that was adequate.

Councilmember Digre was all for replacement but she was more concerned about erosion control as soon as possible.

Councilmember Martin stated that she was suggesting replacement of the tree within six months.

Mayor pro Tem Vaterlaus seconded the motion.

Mayor Keener thanked everyone, PB&R Commission, city staff, and speakers on both sides.

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [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**

- 13.** Adoption of the Fiscal Year 2018-2019 Annual Operating and Capital Budget  
**PROPOSED ACTION:** Move to adopt: 1) a FY 2018-19 appropriation totaling \$85,000 from the Roy Davies Trust Fund by 4/5 vote, and 2) a resolution Adopting the 2018-2019 Annual Operating and Capital Budget presented to Council tonight with a General Fund

appropriation of \$34,600,000 and an All Funds appropriation of \$81,555,000.

City Manager Woodhouse presented the staff report, adding that Asst. City Manager Hines was also present should they have any questions.

Mayor Keener opened public comments.

**Tygarjas Bigstyck, Pacifica**, stated that as a member of the Pacifica Resource Center he thanked them for making the Resource Center a priority. He stated that he had an understanding of our finances and how we leverage those monies in serving the community and making sure that we are strong and secure, and he thanked the staff and Council for including the Resource Center as they understood how important the job was in helping residents.

Mayor Keener closed public comments.

Councilmember Digre thanked the city manager, asst. city manager and Council and staff as the city faced unique challenges and it was very hard work. She stated that being balanced, transparent, etc. was important and she appreciated it.

Asst. City Attorney Bazzano asked Mayor Keener if he closed public comment.

Mayor Keener stated that he did.

Councilmember Martin agreed that it was a lot of hard work to get where they are today but she stated that their work was not over as they have to implement it. She also thanked everyone for the long hours they put in, especially Asst. City Manager Hines, and the City Manager for his guidance.

Mayor pro Tem Vaterlaus moved to adopt 1) FY 2018-19 appropriation totaling \$85,000 from the Roy Davies Trust Fund by 4/5 vote. She asked if they needed to separate the two items.

Mayor Keener thought they did not need to.

Asst. City Attorney Bazzano recommended that they separate them since the first part requires 4/5 vote.

Mayor Keener thought they will get that.

Mayor pro Tem Vaterlaus also moved to adopt 2) a resolution adopting the 2018-19 Annual Operating and Capital Budget presented to Council tonight with a General Fund appropriation of \$34,600,000 and an All Funds appropriation of \$81,555,000; seconded by Councilmember O'Neill.

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

**ADJOURN**

Mayor Keener adjourned the meeting at 9:58 p.m. in honor of City Clerk Kathy O'Connell by unanimous request.

City Clerk O'Connell stated that she will see them at the podium with her yellow speaker card.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell  
City Clerk

APPROVED: 5-0; 7/9/18

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John Keener, Mayor