



**CITY OF PACIFICA
CITY COUNCIL MINUTES**

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

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

**May 22, 2017 (MONDAY)
www.cityofpacifica.org**

Mayor Mike O'Neill called the meeting to order on May 22, 2017 at 7:09 PM

5:30 PM CLOSED SESSION

Mayor O'Neill 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 54956.8 Conference with Real Property Negotiators. Property: 2212 Beach Blvd. Pacifica, CA Agency Negotiator: Keith Breskin, Interim City Manager; Michelle Marchetta Kenyon, City Attorney; Pat O'Keeffe, Consultant; Tina Wehrmeister, Planning Director. Negotiating Parties: City of Pacifica and Friend Development Group LLC, a Delaware Limited Liability Company. Under Negotiation: Instruction to negotiators regarding price and terms of payment

7:00 PM OPEN SESSION

Mayor O'Neill reconvened the meeting at 7:09 p.m.

Call to Order

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

Staff Present: Keith Breskin, Interim City Manager; Michelle Kenyon, City Attorney; Lorenzo Hines, Asst. City Manager; Tina Wehrmeister, Planning Director; Christian Murdock, Assoc. Planner; Dan Steidle, Police Chief; Lee Panza, Assoc. Engr.; Louis Sun, WW Dep. Dir.; Ed Vandehey, MID Mgr.; Kathy O'Connell, City Clerk.

Salute to the Flag led by Councilmember Vaterlaus

Closed Session Report

City Attorney Kenyon stated there was no reportable action.

SPECIAL PRESENTATIONS

Proclamation - Pacificans Care

Mayor O'Neill read a proclamation honoring Pacificans Care who volunteer at the Pacifica Resource Center.

Karen Ervin thanked the mayor and Council for this honor. She appreciated their support and also appreciated that the Resource Center asked for this proclamation. She gave a brief description of the group's history, including the various other organizations in Pacifica for which they volunteer. She mentioned their upcoming November fundraiser, Speakeasy. She acknowledged that the board was present, as well as many Pacifica Resource members.

Councilmember Digre felt Pacificans Care was aptly named, and she thanked them for all their hard work.

Mayor pro Tem Keener stated briefly - way to go and keep it up.

Councilmember Martin thanked them for all their work, stating that Pacifica was a better place because of all of them.

Councilmember Vaterlaus stated that she always enjoys herself at the Speakeasy. She thanked them all for everything.

Mayor O'Neill stated that the Pacifica Resource Center does a wonderful job with wonderful people and they have helped a lot of people in Pacifica and do a really good job.

Councilmember Digre stated it was Pacificans Care.

Mayor O'Neill agreed, adding that they support the Resource Center.

CONSENT CALENDAR

Mayor pro Tem Keener stated that he had a few questions on Item #5 consultant agreement for the housing element implementation.

Mayor O'Neill asked if he wanted to remove it or were the questions brief.

Mayor pro Tem Keener thought they were brief questions.

Councilmember Digre stated that she wanted to make a statement about Items #4 and #5.

Mayor pro Tem Keener referred to staff report mentioning supportive housing by right. He thought, by right, was meant to include the whole thing, He asked them to fill them in a little bit more.

Planning Director Wehrmeister asked if he was asking what by right was.

Mayor pro Tem Keener confirmed that, and added supportive housing. He thought he had a good picture of what the rest was. He stated that it was on page 56.

Planning Director Wehrmeister explained that state law requires certain temporary housing, such as emergency shelters, be allowed by right within certain districts. She stated that the city can establish those regulations, and by right means that they don't require a land use entitlement and are not discretionary use and are typically residential districts. She stated that supportive housing is a definition of a type of housing that provides support to the residents with counseling, addiction, etc.

Mayor pro Tem Keener assumed that they were only approving a consultant to assist them with the housing element.

Planning Director Wehrmeister stated that every eight years every city is required to update their housing element, which contains policies and action plans that tell the state HCD they will implement the action plan.

Mayor pro Tem Keener asked definition of HCD.

Planning Director Wehrmeister stated it was state Housing and Community Development. She stated that the contract allows them to hire a consultant to do that. She stated that the actual zoning amendments needed for zoning changes would go through the regular community input process of hearing, Planning Commission review and recommendation to the Council with ultimate Council approval.

Mayor pro Tem Keener asked if that zoning would establish a special category for emergency shelters, etc. or where they establish specific sites in the city.

Planning Director Wehrmeister stated that it can go either way with different cities. She stated that there is typically a location with emergency shelters, but Pacifica can pick the method that is right for our community.

Mayor pro Tem Keener assumed they can pick a method to establish a general zoning category for emergency shelters and later be able to rezone a specific location as an emergency shelter.

Planning Director Wehrmeister stated that the law requires the city to select where it could go now but it doesn't bind the city to not allow it in other locations, such as if they get a proposal with a different site in the future, they can consider a zone change to allow it in that location.

Councilmember Digre stated that Item #4 was about fireworks, and she thanked everyone who worked on that, adding that she thought the community at large will appreciate that. On Item #5, she had several comments/questions. She was happy to hear that it will be an open forum with plenty of time for the public and Council to discuss it. She requests that it not be at 11:00 p.m. as has happened previously. She thought the city has a decent record of above market housing, but affordable, moderate or lower, is pathetic or wanting.

Mayor O'Neill opened public comment regarding Item #5.

Tigarjas Bigstyk, Pacifica, apologized if his comments appear destructive, but he has to get them off his chest. He referred to staff report regarding in depth analysis of rent stabilization and just cause eviction program in response to Council direction and emergency shelters, etc.,

and he felt that, over the past six months or so, they talked about making housing affordable for people but they aren't mentioning affordable housing, aside from saying they aren't going to talk about it yet. He felt affordable housing was the most sustainable way to find a solution to the housing crisis in Pacifica and they should be rallying people toward the affordable housing solution. He referred to being in a service industry that does not yet pay a living wage, and felt the answer was not this ordinance, but affordable housing. He did comment that PlaceWorks was a well balanced, even handed and good choice, concluding with a question of what work they have done for Girl Scouts. He asked that they vote yes.

Mayor O'Neill closed public comments.

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

1. Approval of Disbursements for 03/20/17 & 04/17/17 through 04/28/17
PROPOSED ACTION: Move to approve attached list of disbursements for 03/20/17 & 04/17/17 through 04/28/17.

2. Agreement to Terms with the Pacifica School District for Rental Space for Child Care Services in the Amount of \$142,272 for the 2017-2018 School Year.
PROPOSED ACTION: Authorize the City Manager to sign the 2017-2018 contract with the Pacifica School District.

3. Adoption of an Ordinance of the City Council of the City of Pacifica Amending Sections 6-6.404 through 6-6.408 of Chapter 6, Title 6, (Sewer Charges) of the Pacifica Municipal Code to Revise and Increase the City's Sewer Charges" (Second Reading)
PROPOSED ACTION: Move to adopt the ordinance entitled "An Ordinance of the City Council of the City of Pacifica Amending Sections 6-6.404 through 6-6.408 of Chapter 6, Title 6, (Sewer Charges) of the Pacifica Municipal Code to Revise and Increase the City's Sewer Charges"

4. Adoption of an Ordinance of the City Council of the City of Pacifica Amending Article 2 of Chapter 3 of Title 4 of the Pacifica Municipal Code Relating to Fireworks (Second Reading)
PROPOSED ACTION: Move to adopt the ordinance entitled "An Ordinance of the City Council of the City of Pacifica Amending Article 2 of Chapter 3 of Title 4 of the Pacifica Municipal Code Relating to Fireworks

5. Authorize the City Manager to Execute a Consultant Services Agreement with PlaceWorks for Housing Element Implementation Support and Other Housing Policy Related Services.
PROPOSED ACTION: Move to approve the Consultant Services Agreement between the City of Pacifica and PlaceWorks and authorize the City Manager to execute the Agreement.

ORAL COMMUNICATIONS

Bill Collins, Pacifica, referred to the order of agenda, suggesting that they cover voting items of interest to the public first and informational items requiring no vote to last. He knew that items can be moved around. He recalled a situation when an applicant was present with a permit pending and was after public comment and by the time they got to him the mayor suggested that, because of the hour, he might want to return to another meeting. He stated that he was embarrassed that Pacifica did business that way. He acknowledged the desire for people to have their item first, but he felt that voting was the main reason to convene as a Council, not just to share information. He thought that could be done in writing. He asked that they consider adjusting items based on why the public was present.

Jason Francisco, Pacifica, stated he was with Pacifica Community TV or PCT. He invited Council and the public to PCT Honors on Friday, June 9, at the Mildred Owen Concert Hall. He suggested they contact them to reserve their tickets, adding it was special as it was their 40th anniversary. He stated that honorees include Anita Rees, Linda Jonas, Morning Nichols and Larry Passmore, as well as others. He urged everyone to help them honor them.

Tygarjas Bigstyk, Pacifica, stated that it bothers him when a councilmember does not understand the cause and effect relationship they have between what they are doing and how it affects the community they serve, referring specifically to rent control. He stated that he doesn't cast his vote because he doesn't think rent control under any circumstance is a bad idea. He felt the conversation was worth bearing out. He has been looking forward to seeing the results, but he didn't know if what was happening was the best for Pacifica. He has concerns about how it has been playing out, but votes because he hopes it works out best for all parties. He stated that at least 80 units had rents go up, some as much as \$600. He didn't think those landlords should have done that, adding that he wouldn't. He was disappointed but to divorce from the idea that their actions aren't connected to what others in the community are doing undermines what is trying to be accomplished. He felt it was difficult to establish connections of trust if not acknowledging individual cause and effect relationship on what they are doing and the effect of all parties involved.

Steve Patton, Pacifica, stated he was the Executive Director of the Pacifica Ocean Discovery Center of a community project to build an Ocean Discovery Center on the Council chamber property. He stated that, since the library has been bumped from the corner of the property, at least for the present, they asked that the Ocean Discovery Center be considered for that site. He referred to a handout about pipe status on the site, and then asked for a study session as well as updated information and status on the EPA cleanup of the site. He mentioned that they got about 100 signatures of support at Earth Day. He concluded that it was a positive project that will bring visitors to the area. He stated that he will be contacting the developer regarding their thoughts on a joint project. He hoped they will consider it, and he would like to meet with them as a group or individually. He had a manual from 1999 with their proposal at that time which was available.

Suzanne Moore, Pacifica, referred to Pacifica's divisiveness between advocates for tenant's rights and paid signature gatherers hired by the CAA. She mentioned her negative experience at Linda Mar Safeway from a petitioner to prevent her from talking to a Pacifican. She stated that the Mayor said the divisiveness was due to fear and she agrees. She asked them to recall how they came to this, with Pacifica in a housing crisis with rents increased over 50% in five years, twice the national average. She pointed out many of the other factors which caused the formation of Fair Rents for Pacifica. She stated that the question was whether our community

can preserve its diversity instead of being transformed by the economics of supply and demand. She stated that the ordinance on the ballot was the result of that investigation, mentioning all the factors included in the measure to protect both tenants and landlords.

Monica Olsen, Pacifica, stated she was a member of Fair Rents for Pacifica and Faith in Action. She followed up on Ms. Moore's comments, adding that the rent stabilization ordinance was a win/win for the community with protection limited by state law to multi-unit rental properties built before 1995 and impacts 2,200 rental units, and will be budget neutral. She acknowledged that there is fear in our community, increased after SAMCAR erroneously advertised a specter of rising crime related to rent stabilization, name calling and threats during a recent petition drive, and sudden rent increases. She agreed that the ordinance will impact how the owners conduct business but will protect a return on their investment and allows eviction with just cause. She acknowledged that tenant fears are justified by past and present rent increases and evictions. She stated that Pacificans were witnessing a historical transformation and she felt the question remains unchanged. She asked if we can preserve economic diversity in our community or leave our fate to supply and demand. She asked everyone to study the issues and vote.

Therese Dyer Pacifica, stated that she was asking about the Council's lack of transparency. She stated that the public should be making some of the decisions and not the Council or self interests. She stated that she has requested a lot of public records and usually gets them within ten days. She stated that when they are not clear, she goes to them for more information. She stated that they need to be more transparent. She stated that the certificates of participation are re-mortgaging our city properties, i.e., City Hall, Community Center, etc. She referred to agenda items for consultants, and stated that there was no dollar sign and she asked how much they are charging. She also asked when they were going to have the meeting for certificates of participation. She found out that the Board of Directors were the City Council and was told they would have a meeting whenever they feel like it. She felt it was not being transparent to the public. She mentioned that there was supposed to be a meeting after this Council meeting but she did not see anything on certificates of participation or re-mortgaging. She stated that she was told about item #8, and she asked if they were more bonds to buy or to sell more city property. She asked if they could be more explicit about having a meeting after this meeting.

Anita Rees, Pacifica, had a couple of updates and was also extending her invitation to their volunteer appreciation lunch on Wednesday. She stated that one-day homeless count executive summary has come out and, overall, the number of homeless in the county has decreased by 16% as of January 25, 2017 and folks on the street went down by 62%, encampments went down by 30%, RVs up by 44% and cars up by 25%, and Pacifica's numbers increased by 78%, which she explained was a more detailed and accurate count than other cities because of the homeless guides. She stated that this information will be used to determine how the county will invest in resources around homelessness, with the ultimate goal to end homelessness in 2020. She stated that the final report will come out in July with a more detailed account of the homeless. She again mentioned the volunteer luncheon on Wednesday, stating that they have over 300 volunteers to help support Pacificans struggling to make ends meet, mentioning several individuals who will be honored. She invited everyone to join them.

COUNCIL COMMUNICATIONS

Mayor pro Tem Keener attended the San Mateo County Pre-hospital Emergency Medical Services group JPA. He stated that the meeting was short but record numbers attended. He

briefly explained that this group was the radio system that takes calls and respond and was funded by a fee that is charged on each trip which is paid to the county which then pays this group which spends it on salaries and radio equipment.

Councilmember Vaterlaus stated that she attended the employee recognition lunch and congratulated all employees, especially those who received awards from the city. She attended the HIP housing lunch to hear what they were doing to encourage affordable housing and other alternatives. She attended the CCAG meeting and was appointed to their legislative committee, with a budget study session last week and another coming up the following Thursday. She also attended the first CCAG water committee with presentations on all the water issues affecting the county, and several other water issues. She attended the ribbon cutting at the Boys and Girls Club with a beautiful mural with ocean and whales. She attended Coffee with a Cop on Friday, speaking to several police officers. She asked three officers if they have had any issues with the new 7-Eleven and none had any issues. She reported on a library open house at IBL the following night which included an orientation session to get more people involved in the library.

Councilmember Martin stated that she sent an email to Planning Director Wehrmeister and Public Works Director Ocampo regarding the Bicycle Pedestrian Advisory Committee having a call for projects needing funding. She recommended adding a bike lane to Linda Mar Boulevard to comply with California complete street acts.

Councilmember Digre attended the employee reorganization meeting. She stated that, with HIP Housing, they have been around for a long time and try to match up people who are interested in taking others in. She didn't think it would work, but it does, and was protective to both tenants and landlords and if they are mismatched, there was a process for separating. She stated that they are able to buy apartments, and a landlord worked with HIP Housing to sell it for affordable housing, adding that she was happy to see this and hoped Pacifica works with them. She attended the Economic Development Committee which was moving along with subcommittees if anyone was interested. She stated that Open Space and Parkland were working on numerous things, mentioning the commemoration of the Portola discovery of the bay was coming up in 2019, and they were also commemorating the history of native Americans. She attended Coffee with the Cops at Fairmont and the request was that they would like some striping in the area because it was difficult to see the edges of the road in those areas with the fog coming back and the request was for safety issues. She stated that she met for Commute.org and they went over the budget. She stated that they didn't have a shuttle manager which was disconcerting and they are hiring a consultant to come in to check those things and it will save the city money. She stated that they have had meetings with small groups with the SFO Roundtable, and she volunteered to be on the legislative one where they were planning to reach out to all grassroots areas across the nation to get the public to realize that they might be able to move things quicker. She stated that the SFO Roundtable meets in June and some things will be solidified by that time and she would like to see what letter or action Pacifica would like to do to foster things. She acknowledged that they were moving, but too slowly and they were adding more flight paths over our areas. She mentioned that the subject was coming up to privatize the FAA and she didn't think that will help. She stated that she would like to put on the agenda a no zoning request for Palmetto to insure that the kind of new businesses coming in are complimentary land uses to enhance the streetscape and she requested that they discuss the specific plan overlay for Palmetto and give specific direction to staff and she was asking Council to take a leadership role.

Mayor O'Neill stated that he would be supportive of that, stating that Millbrae outlawed the number of Chinese restaurants on their main street. He stated that he was at the employee

recognition event. He thanked all the employees who were recognized as well as those not recognized. He mentioned that the City Clerk was recognized, and they had nice pictures. He stated that he attended an eventful CCAG Board in San Carlos, Library Foundation, a study session regarding public safety. He attended LAFCO and FogFest meeting and they have some issues with FogFest to be worked out and he will be planning a meeting with them and the Fire Department. He attended the ribbon cutting at the Boys and Girls Club for the new mural. He stated it was nice and was done by an engineer who lives in Manor. He attended Council of Cities in East Palo Alto, mentioning, if you have a chance, go to see Cooley's Landing. He had never been there and it was nice. He attended the Sports Hall of Fame and saw the recipients before they went to college. He attended the Library JPA, mentioning a master plan for maker's square. He mentioned putting on the agenda looking at a parking permit system for the senior housing at Crespi. He stated that there are 30 parking spaces and there were 100 units, but the surfers are taking up all the parking spaces on Crespi and Robert's Road. He mentioned that Robert's Road was becoming a nuisance with kids hanging out there and producing garbage. He thought it would be nice for the police to enforce that.

Councilmember Martin stated that her computer was acting up and she asked if the Police Chief would bring her an agenda from the back.

STAFF COMMUNICATIONS

None.

PUBLIC HEARINGS

6. Appeal of the Planning Commission's Denial of a Request to Extend the Expiration Dates of Site Development Permit PSD-757-06, Use Permit UP-965-06, and Tentative Subdivision Map (Condominium) SUB-211-06, Filed by Shaohong "Simon" Weng of Pinkstone LLC, for the Construction of Nine Condominiums Located at 1567 Beach Boulevard (APN 016-011-190); the Planning Commission Denied the Extension Request by a Vote of 7-0 on March 20, 2017.

PROPOSED ACTION: Move to adopt the attached resolution to deny the appeal and uphold the Planning Commission's denial of a request to extend the expiration dates of Site Development Permit PSD-757-06, Use Permit UP-965-06, and Tentative Subdivision Map SUB-211-06.

Assoc. Planner Murdock presented the staff report.

Mayor pro Tem Keener stated that he has comments and questions but will wait until the applicant speaks.

Councilmember Vaterlaus stated that one item was about the inclusionary zoning with the dates when submitted being very close and went into effect on May 9 with conditional approval on May 14. She asked if it was close because they had already submitted their items.

Planning Director Wehrmeister responded affirmatively.

Mayor O'Neill opened the Public Hearing.

Mark Haesloop, CHS Development Group, stated that the technical issues shocked them, from a position of process and fact. He explained that from summer 2015 into 2016, the applicant went through an elongated process of revising the engineering, drainage and other issues with this project, as well as an extensive negotiation for the grant of an easement across the property in favor of Pacifica and entering into a development agreement which obligated the developer to make certain improvements on the site at the cost of several hundred thousand dollars which they entered into and was executed by city attorney, city manager and his client on September 12, 2016, four weeks before the application for the extension. He explained that, during that time, no one mentioned having a problem with the extension, commenting that President Trump would like to have that much control over information. He stated that their first inkling about a problem with the extension was the Friday before the hearing. He stated that they looked at the staff report and asked for a continuance to get their technical people involved. Their coastal engineer, Dave Skelly, prepared a response to the staff report, with certification regarding shore protection and that the existing sea wall was in good condition and would protect Beach Blvd., if maintained. They got no response to that, but general information on the sea wall further down the street and drainage. He acknowledged that changes came into effect after their application for an extension was filed and they have every intention of addressing storm water treatment. He stated that this was the sixth extension on the project, but only the third by his client. He felt what exacerbates the problem faced by Council was the easement and development contract. He stated that they are recorded documents that are a burden on his client's title. He stated that, if they deny this extension, his client has no project and was encumbered by easements favoring Pacifica and obligates his client to do improvements and he felt that was unfair. He didn't think they would vote to vacate the easements and have saddled his client with the easements in September 2016 with no inclination that there was a problem with the extension of time. He asked, if they deny this, and his client takes the project and writes a check for CEQA review, what will the project look like. He stated that there was no record that the engineering was wrong, that CEQA analysis would reach a different conclusion and there would be more money spent to get back to this same position. He didn't know if they would come back with the same project. He concluded that Council has the authority to deny the project that his client has put a lot of his personal money into, but felt that, just because they can, doesn't mean they should. He was bothered with the thinking that they should wait for the Corp of Engineers' conclusions, and he thought that would put a moratorium on development of the property, and would be unfair if it was just on this property. He felt that, if this was an immense public problem in Pacifica, they need to debate and have public hearings about a moratorium, not say this project might have something different if they went through the process again.

Steven Clark, Pacifica, stated his property abuts the subject property. He referred to the fundraiser Speakeasy, and stated that the project property was a speakeasy in the 20s, called the Skull Cracker which he learned about from a former neighbor. He thanked the Planning staff and Commission for their review of the project. He shared their concerns. He loves Pacifica, and referred to incidents in the area due to the powerful waves. He stated that he shared the concerns about the sea wall, which was technically a retaining wall, as well as the excavation of the foundation and underground parking. He mentioned studies done, specifically referring to an appeal in 2007 to the original permit citing a report that suggested that surrounding properties could be impacted by this excavation. He appreciated all the hard work and hoped the Commission's recommendations will be followed. He realized the property will be developed, but he hoped it would be in line with other adjacent buildings and the nature of the neighborhood.

Craig Joyner, Pacifica, stated his property was directly north of the subject property. He moved there recently and was told about the development which was going to include an underground parking garage and he thought it was a joke because he questioned who would put an underground parking garage that close to the ocean. He had several concerns, including the garage which he thought would destabilize the sand. He has watched the waves on that property and worried about his own property, adding that he didn't want to see Pacifica on the national news again and being open to liability by approving something that started ten years ago under outdated building codes and before concerns about sea level rise. He felt the entire project needs to start over with the current situation in mind as he didn't think a nine-unit condo complex fit in to the tenure of the neighborhood.

Mayor O'Neill asked Mr. Haesloop if he could explain his relationship with the developer.

Mr. Haesloop stated that he was a lawyer but the CHS Development Group was a real estate development construction company and his role in the company was land use permitting, which the applicant asked him to do. He complimented the two speakers for being eloquent and fairly reasonably oriented. He felt that the issues raised will not be impacted, corrected or made worse by the development of the project. He stated that they can't solve the problems of the entire sea wall in Pacifica. They studied the sea wall and what makes it strong was the way it terminates. He thought there were a lot of people who have concerns about issues in Pacifica but the project was not intended to fix them, adding that it was not fair to ask them to be responsible for them.

Mayor O'Neill closed the Public Hearing.

Mayor pro Tem Keener asked Mr. Haesloop if he could describe the purpose of the easement across the property.

Mr. Haesloop understood that it was an easement that allows the city to cross the property for maintenance purposes to access the beach.

Mayor pro Tem Keener stated that he would ask the Planning staff.

Planning Director Wehrmeister stated that there was a public storm drain line on the north end of the lot which has been there for a long time and the city had a prescriptive easement to access the line and maintain it when necessary, and this simply formalized the prescriptive easement that was there for the storm drain line.

Mayor pro Tem Keener asked if it was a big storm drain before the outfall into the ocean.

Planning Director Wehrmeister responded affirmatively.

Mayor pro Tem Keener stated that the easement was on the north side, and asked if it was under or near the paper street.

Planning Director Wehrmeister thought it was near the paper street but it would not be in the paper street, otherwise the easement would not be necessary.

Mayor pro Tem Keener wasn't sure the paper street even exists as a street anymore.

Mr. Haesloop stated that he stands corrected on its use, but it is for the city's purpose. He added that he was unaware that public entities could acquire property by prescriptive rights.

City Attorney Kenyon stated that they can.

Mr. Haesloop stated that he can't get prescriptive rights against them.

City Attorney Kenyon agreed that he can't.

Mr. Haesloop stated that the difference with the easement if they come back with a different project was that it was going to constrain the potential layout of the project which he didn't know how to solve.

Mayor pro Tem Keener asked if it constrains the current project.

Mr. Haesloop stated that it did, but they designed it so that the easement would be in favor of the city and would stay there.

Planning Director Wehrmeister stated that there wouldn't be a difference in any constraint because the line is there. She clarified that the constraint of having a utility running through your property was that you can't put a building on top of it, but can have landscaping setbacks, potentially parking, but this was already there and would not create a new constraint.

Assoc. Planner Murdock referred to packet page 120, stating that the unique configuration of the project with its underground access necessitated this very careful approach, with the city allowing this to be built over the storm drain in an unusual way. He stated that the city needed to insure its rights to access and maintain it in the event of an emergency and it was to benefit the project. He stated that you will see at the top of the drawing, the semi-circle orientation of the driveway accessing the underground parking garage, and as indicated by Director Wehrmeister, it was not typical to allow construction over such a public infrastructure. He thought it was a concession the city made in approving the project and allowing that configuration.

Mr. Haesloop thought it was a joint consideration because the easement was over property the pipe was not in, so the pipe can be maintained.

Mayor pro Tem Keener referred to improvements and asked what those improvements were.

Mr. Haesloop stated that they were in the development agreement.

City Attorney Kenyon believed that Mr. Haesloop was talking about a subdivision improvement agreement, not a development agreement, asking if that was correct.

Mr. Haesloop stated it was a subdivision improvement agreement, at an estimated cost of \$471,000. The plans were dated April 27, 2016. He pointed out that the plans were in April 2016, not 2006. He thought there was an impression that the project has not undergone any changes, modifications or updating of the project, codes, etc., since 2006 and it was not true. He stated that he didn't have the April 27, 2016 plans by Vector Vission Land Surveyors.

Mayor pro Tem Keener asked if he has any idea what the improvements are.

Mr. Haesloop stated that he will speculate that it was normal things like curbs, gutters, sidewalks in a certain locale. He thought there was probably some storm drainage and may also be signage.

Mayor pro Tem Keener asked if staff had more detailed information.

Assoc. Planner Murdock stated that the subdivision improvement agreement was not typically a plan that the Planning department was involved in and was typically handled by the engineering division of the Public Works Department. He stated that they have Assoc. Engr. Lee Panza who was familiar with the SIA in question and may be able to summarize what improvements were required.

Mayor pro Tem Keener referred to quoting a consultant on the sea wall and certifying that it will not fail, and asked if that was a correct statement.

Mr. Haesloop stated that they didn't say that. He stated that, based upon the discussion, they certified that the proposed project, including the driveway, building loads and increased traffic will not impact the existing shore protection. They further certified that the existing sea wall was in good condition and, if maintained, will protect Beach Blvd. and the city infrastructure behind it. He stated that engineers certifying, in engineering parlance, was a term of art defined in the California Business and Professions Code, Section 6735.5 but was not an insurance policy.

Mayor pro Tem Keener concluded that, if the project did impact the sea wall in some way, the city would have no recourse from them for repairs.

Mr. Haesloop didn't think that was accurate. He thought, if they did something that caused damage to city property and were negligent in doing so, the city would have a right to seek recompense. He stated that this was an engineering project, and they know that, in every engineering project in Pacifica, no engineer will give you a guarantee on it.

Mayor pro Tem Keener asked if they were ready regarding the subdivision improvements.

Planning Director Wehrmeister responded affirmatively.

Assoc. Engr. Panza stated that he has a copy of the subdivision improvement agreement with him, and would give a brief overview of the improvements required of the applicant. He stated that, on the east side of the project to Paloma, they were to construct a new sidewalk, curb and gutter and, at Paloma, construct new pedestrian ramps in both directions across Beach Blvd. and across Paloma with improvements to the curb and gutter at that intersection, and a pavement overlay or reconstruction of the pavement of Beach Blvd., create a turnaround for fire engines at the cul-de-sac and, beyond that, it was the private improvements.

Mayor pro Tem Keener asked how restarting the process would hurt his client.

Mr. Haesloop stated that it will delay the project by another two years and cost him \$.5 million.

Mayor pro Tem Keener, in referring to a moratorium on development, stated that it has been ten years, and he thought that was a substantial moratorium as well.

Mr. Haesloop stated that he has been doing this a long time, and mentioned to the Planning Commission that he has never seen a project with six extensions, only with three or four. He

stated that the current owner has had three, and prior to that there was a foreclosure and the intervening recession of 2008, 2009, 2010. He stated that those were the reasons for the delay. He stated that, whether it is an excuse for the delay, was up to Council.

Mayor pro Tem Keener asked confirmation that the storm water would be piped directly to the ocean untreated.

Assoc. Planner Murdock responded affirmatively.

Mayor pro Tem Keener asked where that outlet was.

Assoc. Planner Murdock stated that the engineer indicated it will discharge through an opening in the head wall of the main 6-foot storm water pipe at the north end of the site.

Mayor pro Tem Keener referred to the over topping of the sea wall at Paloma in the photos, and he asked if this site was lower than the intersection of Beach and Paloma.

Assoc. Planner Murdock didn't think they have those figures available now.

Mayor pro Tem Keener thought it was possible, and was certain it wasn't any higher. He thought the comments about CEQA are well taken regarding the untreated storm water. The possible effects on the sea wall, if that occurs, would be detrimental to the neighborhood and Pacifica in general. He referred to the first page of drawing, packet page 115, under project notes #6, regarding possible flooding of the garage and storage level may occur several times a year, and he thought that was an indictment of having underground parking at this location.

Councilmember Digre referred to the time between the first and second applicant and asked how much was done to discover what it was like if they did build the underground parking.

Planning Director Wehrmeister was having a hard time understanding the question.

Councilmember Digre stated that they had a report about needing sandbags and raising the level of things in storage, and she questioned if there was any other information about what it would be like to have underground parking and was there any new information.

Planning Director Wehrmeister understood that most of that came out of the initial entitlement phase for the project.

Councilmember Digre asked if that was in 2007.

Planning Director Wehrmeister responded that it was 2006-2007.

Councilmember Martin appreciated the Planning Commission's thorough and thoughtful process. She has watched some of the sessions where they have gone through the process and she stands by their decision.

Mayor pro Tem Keener echoed that thought, and he was ready to make a motion.

Councilmember Vaterlaus stated that she knew there were two different owners and this current owner has only been granted three extensions. She asked, if the current owner was willing to make the changes, such as inclusionary zoning and updated items, if they could continue the same project or would it need to be started again because of the current changes.

Planning Director Wehrmeister stated that was the crux of the issue in addition to some of the safety issues with the sea wall. She explained that, in order to comply today with the storm water requirements in place, it would require a new site plan and the actual project they would be constructed was not the same as the one that was approved and there has been no public participation or input. When either the Commission or Council approves the development entitlement, it was staff's charge to make sure it was developed the way they approved the project and, if they said they can change it, it will potentially look very different than the project that was approved.

Mayor O'Neill asked if they have any comments to the fact that they were better than the White House regarding communication.

Planning Director Wehrmeister stated that they try to be open and communicative with the applicants, but she understood this was very frustrating for them and they might not feel that way.

Councilmember Vaterlaus stated that was a concern she had. They were negotiating certain things but didn't know if the Planning Commission was going to approve the extension or not. He wasn't aware, at the time, that it was likely not going to be approved.

Planning Director Wehrmeister stated that, as long as someone's entitlements are valid, staff are obligated to continue to process the application, as they have up to the day before their entitlements expire to pull building permits, and if they stopped and said they didn't think they were going to extend their permits, they would be criticized on the other end. Staff diligently worked on their project as requested to get them set up to pull building permits before the deadline which was why some dates are called into question.

Mayor O'Neill asked Commissioner Clifford if there were any comments he wanted to make.

Commissioner Clifford stated that there wasn't that much to add. He made sure that Council knew that the Planning Commission extended the hearing twice, once on their recommendation and once at the request of the applicant, as they wanted to be certain that they had plenty of time to prepare before they came before the Commission which they did have. He stated that it was a unanimous decision by all seven commissioners.

Councilmember Digre complimented staff on their thoroughness. She stated that she was present when the first applicant came forward. She stated that the picture in the presentation on January 22, 2016 was typical of what was happening then, and the argument before Council was that those were 1 in 100 year events. The day that was before Council was a sunny day and that was what they saw before the meeting. She stated that weather has changed and the sea wall has been affected. She stated that she drives in that area a lot and the street slopes with a lot of water. She was there when the situation was very dramatic, and she was made aware later that the waves were going over the houses. She was still very concerned about the drainage to the ocean and how it would affect the neighbors to the north. She stated that there was a deep cut which was concerning to her then and it was still a grave concern. She stated that what was happening along the coast with bluffs falling down needs to be looked at.

Mayor pro Tem Keener moved to adopt the attached resolution to deny the appeal and uphold the Planning Commission's denial of a request to extend the expiration dates of Site

Development Permit PSD-757-06, Use Permit UP-965-06 and Tentative Subdivision Map SUB-211-06; seconded by Councilmember Martin.

Councilmember Digre asked if it was denying their appeal.

Mayor O'Neill stated that it was denying the appeal which means that the motion was not to build the project and to uphold the Planning Commission.

City Attorney Kenyon stated that it was not to grant the extension.

Mayor O'Neill called a five-minute break then reconvened the meeting.

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

CONSIDERATION

- 7. Award of Construction Contract to Sierra Mountain Construction Incorporated for the Wet Weather Equalization Project and Approval of Second Amendment with Freyer & Laureta, Inc. for Additional Engineering Services

PROPOSED ACTION: Move to approve and authorize: 1) the award of Construction Contract to Sierra Mountain Construction, Inc. (Attachment 1) in the amount of \$17,348,000 for the Wet Weather Equalization Project, 2) contingency costs of up to \$4,337,000, 3) Second Amendment to the Consultant Services Agreement between the City of Pacifica and Freyer & Laureta, Inc. in the amount of \$198,600 to provide additional engineering services for the Wet Weather Equalization Basin Project (Attachment 2), and 4) the City Manager to execute all necessary documents associated with the project.

These items, in addition to previously approved project costs, will bring the total project cost to \$24,500,000.

Asst. City Manager Hines presented the staff report.

WW Dep. Dir. Sun continued the staff report.

Mayor pro Tem Keener asked when the original engineer's estimate of \$16.5 million was made.

WW Dep. Dir. Sun stated that it was presented on December 12 to the City Council for the project.

Mayor pro Tem Keener stated that, between December 12 and now, it cost \$800,000 more. He thought that wasn't too bad, considering the way things are going. He referred to the contingencies, stating that they are listed at 25% of the construction contract, and he wondered if they were the same thing as the sewer fees they approved and were dependent on contingencies of 40%.

Asst. City Manager Hines stated that they were still attempting to reconcile those two things. He stated that, for now, they were trying to get this piece of the puzzle in play because of having a timeline. He stated that how the cost affects the rates will be worked out once they get this taken care of. He understood where he was going, but he needs a little more time to make it all work.

Mayor pro Tem Keener stated, to make it clear where he went, the sewer fees they approved were on the basis of a 40% contingency above the construction contract. He thought it was wise or not, depending on where you sit, but that was what it was. He concluded that they have gotten by for 25% on this one.

Councilmember Vaterlaus stated that 17 people went out representing 16 companies and only four bids came back. She asked if that was normal.

WW Dep. Dir. Sun stated that it was pretty standard, adding that a lot of them were subcontractors, not general contractors, and they were there to take in the project. He stated that you typically get less general contractors bidding.

Councilmember Martin stated that the company, SMCI, has all their current California contractor licenses and she stated that there was an issue they encountered on Esplanade when they were doing the demo and they had to have an emergency Council session because the company they hired did not have all their certifications and they asked Dir. Ocamp to make sure that it was on his checklist. She stated that she couldn't remember the specific one, but she wanted to be sure they were covered.

WW Dep. Dir. Sun stated it was the DIR and it was covered.

There were no public comments.

Mayor pro Tem Keener moved to approve and authorize: 1) the award of Construction Contract to Sierra Mountain Construction, Inc. (Attachment 1) in the amount of \$17,348,000 for the Wet Weather Equalization Project; 2) contingency costs of up to \$4,337,000; 3) Second Amendment to the Consultant Services Agreement between the City of Pacifica and Freyer & Laureta, Inc., in the amount of \$198,600 to provide additional engineering services for the Wet Weather Equalization Basin Project (Attachment2); and 4) the City Manager to execute all necessary documents associated with the project; seconded by Councilmember Martin.

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

8. Resolution Authorizing Issuance and Sale of Wastewater Revenue Bonds
PROPOSED ACTION: Move to adopt the resolution entitled "A Resolution of the City Council of the City of Pacifica Authorizing Issuance and Sale of Wastewater Revenue Bonds by the City of Pacifica Financing Authority in the Maximum amount of \$27,000,000 to Provide Financing for Improvements to the Wastewater System, and approving related documents and actions"

Asst. City Manager Hines introduced financial advisor, Peter Wong, bond counsel, Chick Adams, underwriter, Scott Nagelson, then presented the staff report.

Mayor pro Tem Keener understood that these bonds were not a mortgage but secured by the sewer fees charged and are different from the certificates of participation.

Asst. City Manager Hines responded affirmatively.

Mayor pro Tem Keener referred to the staff report stating the bond issue will be supported by revenues from the proposed sewer rates for 2017-2022 and he assumed it was a 30-year period and 25 years beyond that.

Asst. City Manager Hines agreed, clarifying that it will be supported by the revenues and rates in place during the life of the bond.

Mayor pro Tem Keener asked if he knew what rating Standard & Poor's gave us.

Asst. City Manager Hines stated that Standard & Poor's was still working on our rating. He stated that we have given them everything they have asked for and we were waiting now. He stated that, if it was good news, they will know quickly. He stated that he will let them know but they were being optimistic and they will see it in an email if it was what he hopes it is.

Mayor pro Tem Keener asked the range of interest rates at what they are looking, adding that he won't hold him to it.

Scott Nagelson, U.S. Bank, stated he was the underwriter of the bonds and explained that they did a run the previous week to get a handle on the not to exceed amounts, and in crunching all the costs of issuing the bonds was about 3.85% for the 25-year period.

Mayor pro Tem Keener concluded that the interest on \$27 million will run less than \$27 million, possibly \$23 million if that 3.85% figure holds up.

Mr. Nagelson asked if he was asking about total interest over the life of the bonds.

Mayor pro Tem Keener responded affirmatively.

Mr. Nagelson stated that, if they were pricing the deal now, the total amount would be well under \$27 million, less than \$24 million. They have several weeks before they will be on the market with these and the total interest over the life of the bonds would be about \$20 million at current market conditions.

Mayor pro Tem Keener asked if the \$27 million included all the financing costs or are some wrapped into the interest.

Mr. Nagelson stated that our amount would include everything that was being financed, cost of issuance or project cost.

Mayor pro Tem Keener asked that it would be in the \$27 million.

Mr. Nagelson responded affirmatively.

Mayor O'Neill thought they were in the lower point of the interest rate cycle, but he asked if they were adding any options on the bonds or straightforward, asking if they would be doing serial issues.

Mr. Wong asked if he was asking if they were straight fixed income bonds, not variable rate or other derivative or swap.

Mayor O'Neill concluded there were no put or call options to the investors at all, just straight vanilla bond.

Mr. Wong responded affirmatively.

Mayor O'Neill asked if it was U.S. Bank that had the money for our COP for the \$1.5 million. He stated there was concern from the public at the previous meeting whether they were going to take it and put it in the General Fund and spend it. He wondered if we can have a brief description of how this money will be treated versus General Fund money.

Chick Adams, Jones Hall Law Firm, stated they were bond counsel. He stated that the documents are very strict. The proceeds of the bonds are being deposited with a trustee bank and may only be requisitioned through a very formal process with documentation for the purpose of funding the project and there was nothing that would permit it to be used for any other purpose.

Mayor O'Neill concluded that he was saying that there was a third party trustee for the funds that are keeping the checkbook and, once the city receives a bill, they have to approve it and they send it to the trustee who will issue the check.

Mr. Adams responded affirmatively, adding that it would include the requisition and invoice attached with full documentation showing the payment.

Mayor O'Neill concluded that there was zero percent chance that this will go into the General Fund.

Mr. Adams stated that, absent extraordinary fraud and forgery, it would not.

Mayor O'Neill concluded that it was audited by the Security and Exchange Commission as it is a registered security.

Mr. Adams stated that they were exempt from the registration requirements but not the anti-fraud requirements and everyone on the financing team takes great pains to make sure there is full disclosure and compliance with all federal security laws.

Mayor O'Neill stated that he wanted to clarify that because of there being a lot of questions on that.

Mayor pro Tem Keener referred to the staff report where it said that, if the expenditures for the installation of the equalization basin was less than anticipated, the remaining funds will be used to address capital improvements necessary to address consent decree compliance.

Mr. Adams stated that it was basically with a lawsuit. The CDO requires a cease and desist order.

Asst. City Manager Hines stated that, if there is anything left, we still have work to do to get out from under those two items.

Mayor O'Neill opened public comments.

Therese Dyer, Pacifica, thought this was where they were going to have resolution #1-2016, the board of directors of the City of Pacifica Financing Authority to discuss the certificates of participation but obviously not. She thinks the public needs to be more informed about any more bond issues because they have been left in the dark regarding the certificates of participation. She stated that it was a laughing matter on some of their comments. She thought, since the public was paying one of the higher sewer taxes in the county, we should be the investors. She asked if we were going to get any money back for our dollar or just a few with the money to invest. She asked if they knew what they were doing, and concluded that they don't. She felt it needs more public input such as the certificates of participation. She was against it.

Cynthia Kaufmann, Pacifica, stated that they are doing a great job and it sounds as though they have thought it through with a lot of depth. She suggested that, for the future, since the U.S. Bank is invested in the Dakota Access pipeline, they avoid banks that have such immoral investments.

Mayor pro Tem Keener asks how they go about this procedurally. He stated that they have two resolutions from the board of directors of the City of Pacifica Financing Authority and the other is the City Council. He asked if they adopt the recommended action and it was all taken care of.

City Attorney Kenyon stated that this was a joint meeting and the Council was acting as both the Financing Authority and the City Council, adding that they agendized it specifically for this item to approve both resolutions in one motion.

stated that the resolution would be to move to adopt the resolutions attached of the City Council of the City of Pacifica and the Board of Directors of the City of Pacifica Financing Authority.

City Attorney Kenyon stated that the resolutions are virtually identical, with no substantive difference between them.

City Attorney Kenyon responded affirmatively.

Mayor pro Tem Keener stated that he would read the recommended action and see if that will be good enough.

City Attorney Kenyon suggested she read it.

Mayor pro Tem Keener agreed.

City Attorney Kenyon stated that the recommended action would be adopt the attached resolutions by the City Council of the City of Pacifica and the Board of Directors of the City of Pacifica Financing Authority, Authorizing Issuance and Sale of Wastewater Revenue Bonds by the City of Pacifica Financing Authority in the Maximum amount of \$27,000,000 to Provide Financing for Improvements to the Wastewater System and approving related documents and actions.

Mayor pro Tem Keener so moved; seconded by Councilmember Vaterlaus.

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

9. Review Current Activities of the Rent Advisory Task Force
PROPOSED ACTION: Place activities of the Rent Advisory Task Force on hiatus until the result of the November 2017 ballot measure regarding the Pacifica Community Preservation, Rent Stabilization, and Renters' Rights Act is known.

Planning Director Wehrmeister presented the staff report.

Councilmember Martin referred to placing the task force on hiatus until the result of the November 2017 ballot, and asked if Council would revisit the charter at that time.

Planning Director Wehrmeister responded affirmatively.

Councilmember Vaterlaus asked if the task force wanted to continue to meet or feel it was best to go on the hiatus.

Planning Director Wehrmeister stated that they were interested in continuing to meet. She stated that they struggled with what their purpose was in light of the ballot measure and the interim ordinance, but they felt like they were working collaboratively and would produce a document of value to the community.

Councilmember Vaterlaus stated that she was at the meetings and thought they worked very well together and seemed to have good knowledge.

Councilmember Martin asked how much time staff was spending on the task force now.

Planning Director Wehrmeister stated that she would have to ask Assoc. Planner Murdock as he was the primary staff person.

Councilmember Martin stated a rough estimate was good, such as two hours a week or less or more.

Assoc. Planner Murdock stated that it would depend on the subject matter. He stated that some meetings have taken 6-8 hours of preparation with research in summarizing the particular issue and some just a couple of hours. He thought the average was 3-4 hours.

Councilmember Martin asked if that was 3-4 hours a week or month.

Assoc. Planner Murdock stated 3-4 hours per meeting and they were averaging a meeting every 2-3 weeks, so he thought it was 6-8 hours a month.

Mayor O'Neill asked if he thought there would be value in continuing it for the Rent Advisory Board to cover those items exempt under the rent control ordinance on the ballot, basically for single family homes or other units.

Assoc. Planner Murdock thought a policy decision for the Council was that he thought there would be some utility to having an advisory measure. Whether the time to finalize that is now or later, once they know the outcome, was probably not something for him to weigh in on.

Mayor O'Neill stated that an advisory measure for units exempt from the rent control ordinance would still be totally unregulated even if the ballot passes, and the advisory could be turned on if it was either fail or pass in November.

Assoc. Planner Murdock thought there was a scenario where, if the Council chose to do so, it could have the task force continue its work, prepare the measure and consider it at a time of choosing, whether upon completion or knowing the results of the election. He stated that it was up to the Council when to enact or adopt such an advisory measure. He stated that there were many units that are rented in the community that would be exempt from a rent stabilization and just cause eviction ordinance if it passed in November. He stated that the advisory measure would provide guidelines which he thought they were looking for when they sought out to have the advisory measure developed, providing ground rules and best practices for people to follow for landlords and renters to get along better and minimize the opportunity for conflict that Council was aware of in the rental market.

Councilmember Digre asked if they had a contract with a facilitator like Conflict Resolutions.

Planning Director Wehrmeister stated that the Peninsula Conflict Resolution Center are the facilitator for the Task Force meetings.

Councilmember Digre asked how much they pay and also if we have a contract and whether it was finished.

Planning Director Wehrmeister stated that the contract was still open. It was a total of \$20,000.

Councilmember Digre asked how it works and how much have they used of that money.

Planning Director Wehrmeister stated that they haven't been billed.

Councilmember Digre asked if that was a contract up to \$20,000.

Planning Director Wehrmeister responded affirmatively, adding getting to the conclusion of the process.

Councilmember Digre asked if they have been regular, and it has been working out.

Planning Director Wehrmeister responded affirmatively.

Mayor O'Neill opened public comments.

Therese Dyer, Pacifica, felt this was premature as it hasn't gone on the ballot yet. She stated that she saw Steve Wagstaff and she wasn't sure whether he made a decision on Councilmember Digre but she was in violation, adding that it was conflict of interest for those who ran for City Council at the same time she did because she committed perjury and they didn't. She added that both Mayor O'Neill and Councilmember Vaterlaus were both in real estate. They both should have recused themselves and, if they had, they would not have had a quorum but she stated that she would wait for his decision.

Tigarjas Bigstyck, Pacifica, stated that he serves on the Rent Advisory Task Force and his comments were his perspective on things and do not represent the group. He had some notes for those who may not have read it. He maintained a primary residence in a rental property within Pacifica and he was a proponent of rent stabilization. He stated that the task force has reached consensus on the topic areas that the rent advisory measure should address and proceeded to itemize them. He stated that they have had the discussion without hating each other and basically listening to each other and creating the basis of what they want in our community, a dream to share together. He felt it made sense to start the process to set the mood for groups that don't share the same opinions but are listening to each other. He also recognized the wisdom to continue after November and help those not covered by the ordinance.

Mayor O'Neill closed public comments.

Councilmember Martin was appreciative of the peace from the Rent Advisory Task Force. She was concerned about the community and staff time and money. She would like to get a cost of dates that they can split the difference. She thought, if it was staff's recommendation to put it on hiatus and they don't have a charter now, she would go with the recommended action and save time now and put their focus on the new year and hope to reinvigorate the group. She was prepared to make a motion.

Councilmember Vaterlaus disagreed. She felt they were doing great work and it takes time to develop this so she would like to see them continue.

Councilmember Digre asked Planning Director if she said she was at the meetings.

Planning Director Wehrmeister stated that she probably attended about 50-75% of them.

Councilmember Digre asked if it was based on the Healdsburg advisory.

Planning Director Wehrmeister stated that was the basis, but the task force looked at what was needed for Pacifica.

Councilmember Digre concluded that they did deviate from that.

Planning Director Wehrmeister responded affirmatively.

Mayor O'Neill stated that they know for certain there was an item on the ballot in November but they also know that there are certain dwelling units that are specifically exempt from the ordinance, regardless of whether it passes. He felt it was good to have some mechanism in place for the units exempt from the ordinance. If the ordinance fails, they could have at least the beginning of a working group. He felt it was a lot easier to maintain something than stop it and try to start it again. He felt it would be wiser to possibly not have the meetings as often in deference to staff time, but they know there will be units not covered by rent control and it would be prudent to have some advisory platform in place for them.

Councilmember Digre asked if they could actually vote on it because she thought they need to know the amount of money available or if they need more money to continue.

Planning Director Wehrmeister stated that their billing structure was set up so that was the amount.

Councilmember Digre asked if they achieve it under that amount regardless of the time involved.

Planning Director Wehrmeister responded affirmatively.

Councilmember Digre stated that she has opposite thoughts on the issue. She thought having it meet sometime, and she asked if they leave it to the discretion of staff so they keep their momentum and it would affect rentals not under the ordinance and she was in favor of staying on track and not having to start brand new.

Councilmember Martin thought she would not waste her breath.

Mayor O'Neill thought it needed to be reworded to continue activities of the Rent Advisory Task Force until January 2018 when Council may revisit the charter.

Planning Director Wehrmeister would defer to City Attorney but she didn't know if they need a motion except the direction was to continue.

City Attorney Kenyon stated that what she heard from some councilmembers who want to pursue the task force was whether they desired to change the charter, because the charter currently was to pursue an advisory measure for units in general, and not those that are exempt under the proposed November ballot ordinance. She asked if a majority of the Council would like the Task Force to continue with a different charter or different goal.

Planning Director Wehrmeister asked if she could read the goal which is very general.

City Attorney Kenyon agreed.

Planning Director Wehrmeister stated that the goal, in general, says to develop a rent advisory measure for adoption by City Council that identifies a set of principles to engender mutual respect and productive communication among and between property owners and renters that result in stability and predictability for both.

Councilmember Digre asked if they were honing onto those properties not involved with the ordinance, she would say yes because the ordinance on the ballot was a big thing and she wouldn't want to have attention split to figure out what it means. She asked if anyone against it would want to give her some arguments in any direction.

Mayor O'Neill stated that, given what was read as the goal, it was broad enough that, whether the stabilization measure passes or fails, you could plug in apartments or single family homes, etc. in there. He would be willing to keep the same charter goal as presently in effect as he felt it meets all needs now. He stated that, if they need to revisit it in the first quarter of 2018, they do.

Councilmember Digre concluded that he was saying that they not specify that it was just for those not under the ordinance.

Mayor O'Neill responded affirmatively, clarifying that they don't know if it will win or fail, and he feels they leave it as is.

City Attorney Kenyon stated that there is no action that needs to be taken.

Councilmember Digre asked if the other two have something they want her to hear. She stated that, at this moment, she was not in favor of that, but in favor of being specific about working towards that were not in the ordinance as she didn't want people to get confused. She felt the ordinance was there for a specific purpose and she didn't want to deflect from that purpose.

Councilmember Martin asked, if the contract says they have to come to a resolution and say they meet every other month and don't come to a resolution and extend past their 2017 ballot, at that time, they are closer to knowing what they need to do, and she asked if there was a timeframe for what they need to accomplish for the contract.

Planning Director Wehrmeister didn't believe there was a strict timeframe.

Councilmember Martin concluded that they need a couple of more times this year, such as every other month. She referred to a member mentioning what they were discussing, and she felt that was good valid stuff. She stated that, to get any more specific, she agreed with Councilmember Digre that it was confusing now with what was on the ballot. She stated that, if the task force does what their doing for the next couple of months, every other month, they have a decision from the community and then they can come to a decision and they still have more meetings. She was against city staff spending a full day a month getting ready for these as there was a lot more to do to prepare for November regardless. She was not supportive of the charter as is, although Councilmember Digre would like to see it more specific, but she felt getting more specific would be more confusing.

Councilmember Vaterlaus thought the charter was quite broad and very easy to understand. She stated that this was about what they mentioned before, civility and treating each other like people. She thought the advisory is as important as all the other things they have been working on to spend time on and the money they have already spent.

Mayor pro Tem Keener believes that the Advisory Task Force has the potential of confusing voters for the November ballot and it should be suspended until after.

Mayor O'Neill felt the direction was unclear.

Councilmember Martin moved to take the advice of recommended action and place activities of the Rent Advisory Task Force on hiatus until the result of the November 2017 ballot measure regarding the Pacifica Community Preservation, Rent Stabilization and Renters' Rights Act is known; seconded by Mayor pro Tem Keener.

Councilmember Digre asked, for clarity, if they were taking the statement that was in the agenda.

Councilmember Martin responded affirmatively.

Mayor O'Neill stated that he was voting no on the resolution because he believes that it would be more beneficial, since they know after the election in November, whether aye or nay, that there will be units that will not be covered and this will leave them months ahead, but he was willing for the Rent Advisory Board not to come out with any recommendations prior to the election. He understand where they might come with a confusion.

Councilmember Digre, for the same reason she stated before, she will vote yes because she think it can cause confusion not to be specific.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Deirdre Martin, Councilmember
SECONDER:	John Keener, Mayor Pro Tem
AYES:	Keener, Digre, Martin
NAYS:	O'Neill, Vaterlaus

10. Consideration of Request by Councilmember Martin that the City Transmit a Letter to Caltrans and the San Mateo Transportation Authority Requesting the Repurposing of Funds Previously Designated for the Widening of Highway 1 (Calera Parkway Project). **PROPOSED ACTION:** Move to direct staff to work with Councilmember Martin to finalize a letter addressed to Caltrans and the San Mateo Transportation Authority to redirect funds previously designated for the Calera Parkway Project to other infrastructure needs in the City and include the letter for formal review and consideration by the City Council at its regular meeting of June 12, 2017.

Interim City Manager Breskin presented the staff report.

Mayor O'Neill opened up public comments.

Cynthia Kaufmann, Pacifica, thanked them for the work they have done in stopping this project. She was happy with Council's work on this, and she felt the letter was important. She didn't have an opinion on which letter but it was important that Caltrans and TA understand that Pacifica does not want this project and it doesn't lurk in the system and is clearly dead. She felt it was going to be exciting to see the creative ways to solve the traffic problem and make something that really works for all of us.

Steve Sinai, Pacifica, stated that Councilmember Martin seems to be leading the charge to sabotage highway widening. He mentioned his various reasons for his objections to the Councilmembers opposing the highway widening, He then asked for Council to show respect for all voters and not just their supporters. He asked for a citywide vote on Highway 1 widening to see what the majority of Pacificans want. He stated he was okay with hiring an independent traffic engineer to study alternatives and make recommendations in the meantime. He stated that, if they vote against widening, so be it, but if in favor, he stated that they get a chance to correct their actions. He asked, if they are sure they represent the majority view, why they are afraid of a vote.

Bill Collins, Pacifica, stated that Highway 1 is 4 lanes it used to be two, and backs up in some places and not in others. He didn't see it back up in Manor or Fairmont, but it backs up in the intersections and they are on the right path of looking into quicker, less disruptive solutions to the backups that occur at intersections. They have already started on the smart path that Pacificans want and not the disruptive construction project in the middle of the city with lanes closed for a long time, which is Caltrans specialty. He asked that they continue on this path. He stated that, when a highway is widened, the new lanes always fill up. He commented that the Bay Area has real transportation systems and Pacifica was stuck in the 1960s. He felt they need to be modern about it.

Tigarjas Bigstyk, Pacifica, stated that he has driven Highway 1 from the bottom of Big Sur to the top where it meets 101 up north and has driven through dense LA traffic. He stated that it

has never occurred to him that we have an extreme problem, but he admits that he was not one of the commuters stuck in that problem and has not voiced an opinion because of not knowing what widening could or could not do. He was frustrated that we have a huge amount of money and can only use it on that project, and he thought it would be nice to use the money for something that would be useful like filling all the potholes. He also felt it would be useful to find alternatives to Highway 1 widening. He thought it would be great to explore all alternatives, and he wasn't convinced that widening was the solution. He was convinced that pursuing other alternatives was a good idea, as well as using that money to find alternatives and heal the ill roads in our town. He thought it was a great idea for staff to work with Councilmember Martin to create a letter. He felt one voice with the best intentions of the city was awesome and aided by the expertise of the city was better and he hoped the letter was successful and the money regulated to the one thing can be something to heal parts of our town that are broken and need to be healed.

Chaya Gordon, Pacifica, stated that she was speaking for Pacificans for Highway 1 Alternative who recognized that there were two big problems with the Caltrans plan. It would create a road wider than Highway 280 which seemed ludicrous and it would not work, just push the bottleneck. She stated that Caltrans put out a request for comments to the community and got dozens back, and then disregarded every suggestion and alternative that Pacificans made. She stated that they were many and thoughtful. Caltrans disregarded everyone except build and build bigger, and did not consider any other combination of alternatives. She thought it was odd because they know that, when the school at Reina del Mar is not in session, the morning commute does not happen. She stated that the traffic signal at Reina del Mar was bad, as well as the one at Fassler. She thought that, with any analysis that did not have a predetermined agenda such as building more roadway, they needed to realize that there were options that needed to be explored and were likely to have a good effect on the problem but Caltrans wasn't willing to go in that direction. She stated that was what brought about the lawsuit that PH1A and other local organizations did, and with the federal lawsuit, the judge invalidated Caltrans final environmental approval because of egregious errors and misstatements which was a serious problem. She stated that they have seen the growing movement toward reducing greenhouse emissions and better public transportation. That has brought us to this point and the letter makes smart suggestions and she felt it was time to follow the suggestion that Councilmember Digre and Public Works Dir. Ocampo have pursued for years about intelligent traffic signals. She thanked Council and staff for moving in the right direction.

Julie Starobin, Pacifica, stated she was expressing support for the letter, whether by Public Works or a combination with Councilmember Martin's letter. She stated that Council has already planned on discussing and looking at alternatives. She hoped that will be included in the letter to Caltrans and San Mateo Metropolitan Transit Authority because we were all being proactive. She pointed out that none of the Councilmembers ran on a platform of widening the highway. She stated that some had no comment and some had not widening as part of the platform. She stated that none of them were elected on widening the highway. She supported sending the letter and getting the money for some good use in Pacifica.

Blue Murov, Pacifica, expressed her support for a letter to Caltrans. She didn't see either one but she supported the funds to be used to explore and implement pedestrian crossing structures and more intelligent traffic signals and other methods to facilitate traffic flow in a safe and least disruptive way and environmentally friendly way.

Mayor O'Neill closed public comments.

Mayor pro Tem Keener stated that they were supposed to have two signals replaced with the Insync system prior to school letting out so Insync would have time to run their data for two weeks without turning on the system and monitoring the traffic and then turning on the system for another two weeks and monitor the traffic to see whether it would do any good. He stated that was why they had to rush into getting two signals instead of four signals which would include Crespi and Linda Mar. He stated that they won't make it before the end of the school year. He wondered what happened to that, but both letters favor spending the \$3.75 million on other things, such as more intelligent traffic lights. He favored either letter and will wait for a motion from Councilmember Martin.

Councilmember Vaterlaus stated that the highway wasn't a Pacifica issue but a regional issue. She stated that, when the Devil's Slide was out, we had no traffic and were a cul-de-sac. She stated that our traffic didn't come from Pacifica. She stated that she would like to see options. Pacifica has spent money for all these years but we don't have any options. She asked why we are going to throw away the money when they don't have any options to provide. She didn't think we have a clear plan and the TA will say too bad and they will give it to someone else even though Pacifica has been spending money on this for years. She thought they only approved one, but the company who was doing it said it will not work at peak times, but only in off peak times. She stated that she felt the letter was too premature to send to have them say sorry we don't have any money to do anything because we don't have any alternative projects and anything studied. She stated that people ride alone in cars. They have tried to get them to take buses or bike. She stated that the reason SamTrans canceled buses was because they don't have the ridership. She stated that they haven't had it in a long time. She stated that they will still be riding alone in their cars. She suggested that we have an alternative before we kill the money we have.

Councilmember Digre stated that she didn't see this as sending our money away. She stated that the evaluation of Caltrans that took place in 2014 which she thought was still on the website said that widening was passe. She stated that the progress seminar was sponsored by a chamber and the comments were that widening was passe. She didn't think any of them were willing to throw away any money that could help deal with congestion in the city. She definitely thought there was a regional problem with congestion. She stated that the intelligent traffic signals have started in Europe years ago. She stated that she stumbled upon them in 2013. She stated that it was not synchronization but intelligent traffic systems which was a GPS satellite radio. She stated that the head of Caltrans who was the boss of the regional directors who were referred to in the history where Caltrans seemed to favor widening. She stated that the head has now actually said that the intelligent traffic system is coming and, if smart, they will get in line because funding is finite and if they want to be part of the intelligent traffic signals for the modern day, they need to get in line. She would like to hear it from Caltrans but she thinks we have our foot in the door and are in line because we have been allowed to use some of the money at Calera Park for the two intelligent traffic signals. She stated that, south of the tunnel, the unincorporated area for the last two or three years are presently in the process of doing what they can to slow down traffic. She has had talks with member of mid Coast and Half Moon Bay and they agree that having a whole line of intelligent traffic signals in Pacifica and those in mid Coast and Half Moon Bay past 92, would be very helpful, rather than harmful. She stated that, in going to the TA meeting, she wasn't sure how they would react when requesting using Calera money for those two traffic signals. She was happy that they talked about understanding traffic congestion which they have in their towns, and she didn't get the sense that they wanted it for themselves and they were taking it from us because we haven't widened the road. She stated that the sensors can tell the line of traffic and line of waiting cars and pedestrians and the traffic systems are trying to do 21st century technology and common sense. She didn't see that

they were giving away money, but asking for common sense technological 21st century things that could work and others should be asking for. She felt we could be greedy. We have our foot in the door and would like to ask for it rather than waiting. She encouraged that we be specific about asking for intelligent traffic systems which involves traffic signals. She stated that they are different from synchronization.

Councilmember Martin didn't like hearing all the pessimism around the highway and that we aren't doing things to try to manage traffic congestion. She stated that she applied for the bike and pedestrian committee but it contributes to reducing greenhouse gas. She stated that a lot of them are working with the climate committee and working on ride share options. She stated that, when she hears that they don't have enough ridership, they were working on it regionally. She mentioned a study in Half Moon Bay and they had a presentation in Pacifica within the last two years. She stated that we are on their radar. She stated that there are people working on parking solutions in Colma. She stated that saying that we aren't doing anything was not true. She stated that it takes time. She mentioned her parents telling her that you don't get anything you don't ask for, and she stated she was encouraged to ask for the reallocation of the funds and why she put this letter together, as well as letting the TA and Caltrans know that the majority of Pacificans have spoken at two elections, served as a proxy and we were interested in 21st century solutions. She stated that people are begging for the lights and, if we could get a few more, she would be in favor of adding the word intelligence to the letter. She stated that there were a few changes she would like to suggest, such as changing final EIR to final environmental appeal. She stated that there were also grammatical errors that need fixing, based on Dir. Ocampo's version with which she didn't see any problem. She mentioned several of the suggested changes she had. She would like to work with Dir. Ocampo and the City Manager in sprucing the letter up and getting it out. She was ready to make a motion.

Councilmember Vaterlaus strongly disagreed that the people in Pacifica have decided on this based on voting. She didn't think they have. She stated that it was suggested that they take it to a vote of the people and she suggested they do it soon but what came back was that they were never going to have the people vote on it. She felt it was hypocritical. She didn't say the highway should be widened, but they don't have alternatives yet. She still thinks they will be throwing away the money if they send the letter.

Councilmember Digre asked the City Attorney, if a letter like this went to the TA, would it be protocol for them to say that, if they go this route, they were forfeiting the money. She thought there would be conversation.

City Attorney Kenyon stated that it was hard for her to answer as she was not familiar with the TA staff or elected officials. She thought there would be some communication among staff, and she thinks there has been. That is why she believes Dir. Ocampo suggested some revisions to the letter to assure that the funding would not be lost. She can't answer the question better than that.

Interim City Manager Breskin stated that was why they were recommending that they bring it back to them to work with Councilmember Martin. He wanted to have those discussions with Dir. Ocampo and Councilmember Martin about the relationships they currently have with Caltrans and the TA to make sure they were structuring the letter in the most constructive way for the city.

Mayor pro Tem Keener stated that he didn't say they were never going to vote on highway widening, but if the grassroots group wants to get enough signatures to put it on the ballot, he said to let them do it.

Councilmember Martin referred to Councilmember Digre's question, stating that it sounded that, if they presented the letter, TA and Caltrans said they were going to take the money away, but the intention of the letter was that if Pacifica was never going to widen the highway, the money was never Pacifica's to begin with. She felt that, if they are never going to widen the highway, they never had the money, but they have shown that they are interested in working with the city for alternatives and she didn't believe that there was no contingency. The purpose of the letter was to say the plan was dead in Pacifica and they would love the funds for other traffic mitigation issues.

Councilmember Martin moved to direct staff to work with Councilmember Martin to finalize a letter addressed to Caltrans and the San Mateo Transportation Authority to redirect funds previously designated for the Calera Parkway Project to other infrastructure needs in the City and include the letter for formal review and consideration by the City Council at its regular meeting of June 12, 2017; seconded by Mayor pro Tem Keener.

Mayor O'Neill clarified that the motion was for Councilmember Martin to meet with staff and bring it back to Council on June 12.

Councilmember Martin reiterated that it was to meet with staff and come with a formal letter for review by Council.

Mayor O'Neill stated that it was for June 12.

Councilmember Martin responded affirmatively.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Deirdre Martin, Councilmember
SECONDER:	John Keener, Mayor Pro Tem
AYES:	O'Neill, Keener, Digre, Martin
NAYS:	Vaterlaus

11. Appointments to the Economic Development Committee.
PROPOSED ACTION: Move to appoint one (1) applicant to the Economic Development Committee.

City Clerk O'Connell presented the staff report.

Councilmember Martin stated that they had a lot of good applicants but there was only one opening. She stated that they did tell them this, but she wanted to reiterate that they told them to come back because there will be more openings on other commissions as well as this one. She stated that it was a hard decision.

City Clerk O'Connell stated that the applicant receiving the most nominations was Jonathan Mizrahi.

There were no public comments.

Councilmember Vaterlaus moved to accept Jonathan Mizrahi as the Economic Development Committee person; seconded by Councilmember Martin.

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

ADJOURN

Mayor O'Neill adjourned the meeting at 10:40 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED:

Mike O'Neill, Mayor