



**CITY OF PACIFICA  
CITY COUNCIL MINUTES**

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

Mayor Sue Digre  
Mayor Pro Tem Mike O'Neill  
Councilmember Karen Ervin  
Councilmember Mary Ann Nihart  
Councilmember John Keener

**January 11, 2016 (MONDAY)  
[www.cityofpacifica.org](http://www.cityofpacifica.org)**

Mayor Sue Digre called the meeting to order on January 11, 2016 at 7:00 PM

**6:15 PM CLOSED SESSION**

Mayor Digre 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 54956.8 Conference with real property negotiator. Discussions concerns price and terms of payment. Agency negotiator: Mike Perez. Property: 1050 Crespi Drive, Pacifica, CA APN 023-132-160. Negotiating Parties: City of Pacifica and Spindrift School of Performing Arts.

PURSUANT TO GOVERNMENT CODE SECTION 54956.8 Conference with real property negotiator. Discussion concerns price and terms of payment. Agency negotiator: Mike Perez. Property: Pacifica State Beach, Highway 1 and Linda Mar Blvd., Pacifica, CA APN 022-191-280 and 022-191-010. Negotiating parties: City of Pacifica and State Department of Parks and Recreation.

**7:00 PM OPEN SESSION**

Call to Order

Mayor Digre reconvened/called the meeting to order at 7:00 p.m.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Sue Digre	Mayor	Present	
Mike O'Neill	Mayor Pro Tem	Present	
Karen Ervin	Councilmember	Present	
Mary Ann Nihart	Councilmember	Present	
John Keener	Councilmember	Present	

Staff Present: Lorie Tinfow, City Manager; Matthew Visick, Acting City Attorney; Lorenzo Hines, Asst. City Manager; Tina Wehrmeister, Planning Director; Van Ocampo, Public Works Director; Dan Steidle, Police Chief; Rich Johnson, Deputy Fire Chief; Mike Perez, PB&R Director; Jim Lange, Senior Services; Kathy O'Connell, City Clerk.

Salute to the Flag led by Councilmember Nihart

Closed Session Report

Acting City Attorney Visick stated that there was no reportable action.

### **SPECIAL PRESENTATIONS**

HIP Housing - Laura Fanucchi

**Laura Fanucchi** stated that she was from HIP Housing and was presenting them with a gift of their 2016 calendar which was an opportunity for K-5th grade children to enter the calendar contest and draw a picture of their home and make a statement of what their home means to them. She stated that it was an outreach tool to educate the community about their home sharing program. She then gave a brief report on their program and how it can impact the housing crisis in San Mateo County.

Mayor Digre asked her to describe the self sufficiency program because she felt it was a hard time for many people.

Ms. Fanucchi stated that their self sufficiency program was a family with children where the parents are either working and/or in training but are low income. They can either get a one year housing scholarship, live in a group sharing property funded by the county and in a five-year housing scholarship program supported by the county. They get case management support, monthly life skill workshops. She stated they usually have 70-80 families in the program per year.

Mayor Digre asked about the incentive of \$250.

Ms. Fanucchi stated that the incentive was for the home providers, seeing it as a way to increase the outreach and education about the program and be an extra financial incentive to help with costs and/or chores.

Mayor Digre hoped the community would think about offering it to others. She mentioned the fear factor, adding that they have been in existence a long time.

Ms. Fanucchi replied that they have been in existence for over 40 years.

Mayor Digre stated that she was skeptical and watched carefully and was happy to encourage either side because of the vetting process of which she has never heard anyone complain.

Ms. Fanucchi stated that they had a thorough screening process for their home sharing program and their self sufficiency program. She stated that they encouraged people who want to rent a room in their home to use an organization that can help with the third party screening, followup support, etc.

Mayor Digre thought that it was important and was a great asset.

Mayor pro Tem O'Neill stated that he referred a friend to HIP Housing to rent a room and he was pleased and was thankful that this program was in the county. He concluded that they do an excellent job.

Councilmember Ervin thanked her for the work they do which she felt was very important. She asked if there has been a changing trend in the number of people who were renting out single rooms. She also wondered if the rentals were long term or short term.

Ms. Fanucchi stated that they see home sharing as a long term housing solution and not a transitional housing program. She acknowledged that the arrangements were month to month, but mentioned one home sharing match that has been going on for almost 22 years in Millbrae. She felt it could be a way of life for people to keep their housing costs affordable. She mentioned that 60% of their clients are seniors, house rich and cash poor and needing extra income to meet their living expenses or support in their home. She mentioned that the number applying has increased dramatically, usually around 300 active seekers and now 400. She hoped that this program will meet some of those needs.

Councilmember Nihart thanked her for what she and HIP Housing do. She stated that several seniors have asked her about housing. She referred them to HIP Housing, but the concern was what happens if they get someone they don't like or they don't get along.

Ms. Fanucchi stated that they have a packet of information with questions they want to go over with an applicant, and they discuss "living together" issues. They followup every three months, but clients know they can call sooner, which makes it a proactive arrangement.

#### Peninsula Clean Energy

**Carole Groom, San Mateo Supervisor**, speaking for Peninsula Clean Energy, stated that they were excited with their progress and were present to give an update. She first mentioned that Atherton and San Mateo have already joined the Joint Power Authority. She then introduced Kirsten Pringle and Seth Baruch.

**Seth Baruch**, of Community Choice Energy, gave a slide presentation report on what it is, basically a model allowing municipal governments to pull together all homes and generate electricity from the wholesale market.

Commissioner Nihart stated that this has been incredibly positive, and she thanked Supervisor Groom for coming. She was happy to have an alternative and competition. She asked about the customers who already have solar or another source, assuming it stays the same but she has already noticed PG&E going from a \$10 hookup charge to a connection fee. She asked if it affects the numbers for them or just the savings.

Mr. Baruch stated that one of the other two CCE programs do offer a net metering tariff, explaining that if you sell excess electricity to PG&E, they pay a certain rate. He stated that, depending on the board's decision, if Peninsula Clean Energy goes the way the other two have gone, they will offer a better rate for that excess energy to give people an incentive to install more solar on their house. He thought the interconnection fees going from \$4/month to \$10/month was to hook up to the grid and outside the control of the CCE program. He stated that the net metering tariff was not and the board will look at that seriously.

Commissioner Nihart assumed that they want the city's answer as soon as possible.

Mr. Baruch responded affirmatively, adding that the deadline was February 29. He understood that there has to be a first and second reading scheduled.

Councilmember Ervin thanked him, stating that she felt it was an important endeavor in trying to reduce our greenhouse gas emissions and this was a potential way of doing that. Her concern was about the competitiveness with PG&E. She asked what the dis-incentive was of PG&E not trying to do this themselves and charging different rates for renewal forms of energy. She asked how this program can be competitive with PG&E if they attempt to create the same program within their own company.

Mr. Baruch asked if she was talking about 100% green option.

Councilmember Ervin responded affirmatively.

Mr. Baruch stated that PG&E was in the process of developing a 100% green tariff option. He wasn't sure where they were and what the price will be. He concluded that he would look at a CCE program not just as a 100% option but competing on the default option. He stated that PG&E was at 27% in the default option. He stated that if Peninsula Clean Energy can start at 50%, they have already complied with the 20-30 RPS standard and because PG&E is so huge with so many customers and a lot of fossil resources within their mix, it will be very hard for them to get that level of renewable energy any faster than they already are.

Councilmember Ervin stated that she had some concerns about the unknown, such as financial obligations of withdrawing if it ended up being a lot more expensive or if a better program came along. She wanted more information to ensure their fiduciary responsibility to Pacifica that this was a competitive program, what the cost of withdrawing was, or the cost of signing up late. She thought it was kind of a push.

Mr. Baruch stated that he couldn't tell her what the cost was to sign up late as it will be the decision of the JPA Board which may decide that the cost will be zero. He stated that it was hard to give her an estimate for the cost of withdrawing as no community has done that yet. He thought it would depend on the size of the city and circumstances under which they may withdraw. If they withdraw but give Peninsula Clean Energy plenty of time, it was probably a lower cost than if they leave right away.

Councilmember Ervin asked if we had any idea of how many San Mateo cities have to buy in for this to work.

Mr. Baruch stated that Marin Clean Energy launched with 7,000 customers and they became viable. He thought, even if four cities join, it will probably be the size of the other CCE programs and certainly bigger than when they first started. He added that it was a much bigger county with a lot more commercial and industrial.

Councilmember Keener thought it was a great program and a very good presentation. He asked how the rates would compare between PCE and PG&E for the 50% renewable option.

Mr. Baruch stated that, assuming that it is scenario #2 and the wholesale market rates are where they were in October when the study was done, PCE would be starting at 50% and PG&E was at 27%. He thought the PCE rates would be about 4% below PG&E rates, which includes a version of the departing low charge and other fees only CCE customers pay. He stated that it reflects that the wholesale market prices have dropped so low, and the timing is good to start up one of these programs. He concluded that they would be looking at 4% savings.

Councilmember Keener understood that the PUC approved PG&E's request to raise the PCIA charge to CCE's. He asked for an explanation of what that charge was and how they have accounted for that in their technical study.

Mr. Baruch stated that, over the past years, PG&E procured on the customers' behalf, long term power contracts. He stated that the PUC has said that, if there was a departing load, such as Pacifica or the county, leaving the PG&E service, then PG&E has to sell the power that they would have sold to Pacifica onto the market. He stated that, if they sell the power at a loss, which it will, because wholesale prices have declined, it was entitled to get compensation, which is the power charge and difference adjustment, specifically that PG&E customers who remain should be indifferent to customers who have left. He stated that one of the reasons the PCIA has gone up so much was because the wholesale prices have gone down depending on current market conditions. The losses that PG&E is incurring have gone up and the PCIA has gone up. He stated that there was a certain kind of offsetting. The higher the PCIA, it is the result of the lower wholesale market prices. If wholesale market prices go up, then PG&E's losses should decline and the PCIA should go down. He stated that PCIA has increased by 100%, estimated to be about 2.3 cents per KW hour on a CCE customer's bill. He commented that it sounds like a lot, but in the technical study, they modeled about a 75% increase, so it has gone from 75% to 95%. He stated that they were redoing the numbers now and they feel that there was an offsetting because the wholesale power prices have declined a bit since the initial technical study was done. They feel that it should have come out as a wash and the 4% savings should be there. He stated that was essentially what the PCIA was.

Councilmember Keener concluded that the customer of PCE will pay the monthly exit fees. He asked if they will pay them forever or eventually be phased out once PG&E has a chance to adjust its contracts.

Mr. Baruch stated that, in theory, once PG&E's expired contracts representing customer's loads have departed, the PCIA should eventually decline and perhaps even disappear. He added that there were wrinkles in that, specifically if you have a customer who moves from Pacifica to Half Moon Bay, the PCIA resets and the new account was as if they joined the CCE on day one. He concluded that it was not likely that it will completely disappear but should, in theory, go down over time.

Councilmember Keener referred to his mention that cities have no liability, and he asked if he really meant no liability. He asked, if the PCE builds a renewable power plant and then goes belly up, if the cities were completely free of liability for that.

Mr. Baruch stated that he was not a lawyer and county counsel was not present, but other cities have looked at this in Marin. When El Cerrito joined Marin Clean Energy, they looked at this issue and the risk, knowing that in America anyone can sue anyone, and have all thought that it was a low and acceptable risk. If the CCE does its job and hires the right staff, it should hopefully not get to that point, but he can't say for sure that the risk was zero percent. He stated that the documents were pretty clear and the contracts that PCE would sign with other parties would make clear that their relationship was with the JPA and not the cities.

Mayor pro Tem O'Neill referred to the presentation regarding the governance of the JPA and the comment regarding "the majority vote with option for weighted vote, super majority for amendments to JPA agreement." He then mentioned that, in San Mateo County, we have highly urban cities and then cities like Pacifica, Half Moon Bay and Colma with not very much

industry, and asked how it would be weighted in order to be fair to small cities versus larger cities.

Mr. Baruch mentioned that it had been an issue in Sonoma and Marin, stating that the votes would be one city, one vote and almost all votes tend to operate on consensus. He stated that there was a mechanism in the JPA agreements that allows a city to call for votes that would be weighted on the size of the load, such as if San Mateo had 20% of the load, that would be their weighting in a vote. He thought that was just for vetos, and he wasn't sure that anything could be pushed through. He asked Kristen if she had any comments. He then stated that it was not a mechanism that has not been deployed very often at all in other jurisdictions. He reiterated that the weighting would be done based on the total load of what the city represents.

Mayor pro Tem O'Neill concluded that he was saying that it operates like the Senate where everyone is equal, but it could go like the House of Representatives which was determined by population.

Mr. Baruch responded affirmatively.

Mayor pro Tem O'Neill referred to his comment that the cities will not be liable for any of the startup costs but later he mentioned that there was going to be a bank loan. While the county was going to eat the startup costs, the cities joining would not be liable for any of the startup costs. He asked if the cities who join were paying back the bank loan and are liable for some of the startup.

Mr. Baruch stated that the purpose of the bank loan was to cover the expenses to get the program to the point where it was getting revenues. He explained that it has to buy power and then there are 30-60 days when the revenues start coming in.

Mayor pro Tem O'Neill concluded it was for startup costs.

Mr. Baruch responded affirmatively, explaining that those should be able to be paid back quickly. If you have ten cities and hundreds of megawatts of load, that will be tens of millions of dollars per month coming into the program. He stated that the loans have been able to be paid back, but the debts would not be put onto the cities but through rate payer revenues coming in through the program which was how it has worked in the other jurisdictions. He stated that there were mechanisms in place to not put the risk on the cities.

Councilmember O'Neill understood, if there is a bank loan and their only source of revenue is the customers, that was figured into the cost per kilowatt.

Mr. Baruch responded affirmatively.

Mayor pro Tem O'Neill concluded that they were paying some of the startup costs also.

Mr. Baruch clarified that it was not the cities, but the customers and the costs of financing are factored into the rates and were modeled into the analysis he presented.

Mayor pro Tem O'Neill asked if PG&E was the only source for energy or are they going to other members of the grid.

Mr. Baruch stated that there are many providers of energy, He stated that there are many energy service providers, or ESPs, who procure electricity from different generators and he thought that was what would happen in San Mateo where PCE will contract with an energy service provider and procure the desired mix as set out by the board over time. He thought there would be bilateral contracts between PCE and renewable energy providers directly as opposed to going through one energy service provider. He stated that it will be a transition period. That was how it worked in Marin with a number of different providers, bilaterally and through wholesale through an energy service provider.

Mayor pro Tem O'Neill asked if the only counties doing it in California now were Sonoma and Marin.

Mr. Baruch stated that the city of Lancaster has set up a CCE program, a one city community choice program.

Mayor pro Tem O'Neill stated that one concern was that Marin and Sonoma were much more rural and San Mateo was more urban. He imagined there was a much bigger population.

Mr. Baruch responded affirmatively.

Mayor pro Tem O'Neill asked how big the one in Lancaster was. He thought there were a lot of people here to put in at once. He imagined they will turn the switch on every city that joins in one day.

Mr. Baruch thought they will probably phase it. He stated that, not Lancaster, but the other two did phase. They enrolled the customer accounts first, over a 6-12 month process. He stated that, if San Mateo's PCE launches with all the cities, it would be the biggest community choice program in the state, adding that the technical studies indicated that, given the wholesale market conditions, it was feasible.

**Kirsten Pringle, County of San Mateo**, stated that she didn't know if Mayor pro Tem O'Neill was trying to get to the availability question which they get a lot as they are a big county. People wondered if there was enough renewable energy to support our needs if we turned on in the next second. The answer was yes, adding that the phasing in was not because of the availability of renewable energy but a financial decision to make sure that there was enough financial backing and then they get the rest of the customers in the next phase. She stated that, if they did go with all 20 cities, and they went on at once, there would be enough renewable for PCE.

Mayor pro Tem O'Neill referred to mention that PG&E has long term power contracts. He stated that they have reimbursement so PG&E doesn't get the loss and asked if there was any opportunity for the JPA to purchase longterm contracts to keep our prices lower for a longer period of time.

Mr. Baruch stated that the staff of the Community Choice program would be looking at various different market strategies, both long term contracts to take advantage of the trough they were seeing and then have a mixture of short term contracts depending on availability such as for hydro which are short term because they were weather dependent. He reiterated that there would be a mix of short and long term procurement to meet all the needs of the customers and it would depend on the marketing conditions at the time.

Mayor pro Tem O'Neill asked, if someone flakes out on the bill and it was uncollectible, would the JPA "eat it" and handle it the same way PG&E does.

Mr. Baruch stated that he assumed the CCE customer has the same ability or inability to collect but most of the financial models he has seen model a certain percent of uncollectible bills.

Mayor pro Tem O'Neill assumed that there was no liability for the city for uncollectible bills.

Mr. Baruch responded that they were not liable.

Councilmember Nihart assumed that this was going to run like the two other JPAs that exist for all of the cities.

Mr. Baruch responded affirmatively.

Councilmember Nihart stated that we have a history of working together as a county, and she feels pretty confident in the sister cities, but she has heard words like "buy in" utilized, and she wanted to be sure they were not buying in, and there was no cost to the city.

Mr. Baruch responded that she was correct.

Councilmember Nihart concluded that we were making this option available to our citizens and they can choose to opt in or not.

Mr. Baruch stated that they can choose to opt out.

Councilmember Nihart concluded that the city puts them in and they can opt out.

Mr. Baruch responded affirmatively.

Councilmember Nihart stated that she was making sure that everyone was clear about that. She stated that the assumption was that each city will then get their power through the PCE.

Mr. Baruch responded affirmatively.

Councilmember Nihart asked clarification as to whether the city decides to not.

Mr. Baruch stated that the municipal accounts could opt out and go back to PG&E. He stated he thought that happened in Novato. The city said they were going to give the residents the option to have this choice, but they were going to wait and see and they opted into the program a year or two later.

Councilmember Nihart concluded that they could make that determination as they go along. She thought part of it was that the final JPA agreement would be made by the Board of Directors.

Mr. Baruch asked clarification.

Councilmember Nihart thought the JPA agreement itself will be in place before the Board starts or would it be part of what the Board approves in the beginning.

Ms. Pringle stated that the JPA agreement was already written and was a process where they invited all the city attorneys, after the county did the first draft, to give feedback. She stated that it was now “fully baked” and if the city voted, they would have to pass the JPA resolution, meaning that they agree to the JPA agreement.

Councilmember Nihart understood, stating that she was clarifying that when the city votes on it, they will vote with the JPA agreement and they will know all the pieces of the agreement as it exists.

Ms. Pringle stated that there were smaller pieces that will be created after the Board first seats in March, but the JPA agreement as it was now was what the city will be voting on, which Atherton and San Mateo have already passed.

Mayor pro Tem O’Neill assumed that every customer pays the same rate.

Mr. Baruch responded that they would not, adding that there were rate classes.

Mayor pro Tem O’Neill thought that they were all equal, assuming that the person in the second tier in Pacifica paid the same as the second tier in San Mateo.

Mr. Baruch stated that there were residential, commercial, etc.

Ms. Pringle stated that everyone in each city on Peninsula Clean Energy will have the same rate options.

Mayor Digre asked what their official name was.

Mr. Baruch stated that it was Peninsula Clean Energy.

Ms. Pringle stated that the Community Choice Energy was like the name of the type of program and in state legislation it was called Community Choice Aggregation which was a horrible term and they don’t use it. The county’s CCE was called Peninsula Clean Energy.

Mayor Digre thanked them for all the questions and thanked them for being here.

Ms. Groom thanked the city for letting them come. She stated that, if they would like to have contact with Marin or Sonoma members, let them know and they can arrange to set up a meeting or phone call and have a chance to talk to them. She mentioned that Marin has been in business for eight years and Sonoma for five.

## **CONSENT CALENDAR**

Mayor Digre opened public comment.

**Bridget Duffy, Pacifica**, stated that she was addressing the proclamation confirming the existence of a local emergency. She acknowledged that the rising ocean was an emergency and scientists were predicting a 20-foot ocean level rise which was happening much faster than predicted. She stated that the Arctic ice was melting and there was nothing that can reverse that. She stated that she put this together with the other one because there was someone coming to get on the Planning Commission, and she urged the Council to keep in mind the rising ocean and think about putting someone on the Planning Commission that was also aware of this. She stated that we were living in a time that was changing, and spending money on

preventing an emergency will save the city so much money. If we wait until a mitigating disaster, we will be in trouble.

Mayor Digre acknowledged that she connected Items 3 and 7.

Mayor Digre closed public comment.

Commissioner Nihart asked if she can vote on the consent calendar but vote against Item 5.

Acting City Attorney Visick stated that they can pull Item 5 and deal with it separately.

Mayor Digre asked if they pull Item 5, can they do it immediately or towards the end.

Commissioner Nihart stated that they can do it immediately.

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

1. Approval of Disbursements for 12/10/15 through 12/30/15  
**PROPOSED ACTION:** Move to approve attached list of disbursements for 12/10/15 through 12/30/15.
2. Approval of Minutes  
**PROPOSED ACTION:** Approve minutes of regular City Council meeting held on December 14, 2015 and minutes of Special City Council meeting held on December 19, 2015
3. Proclamation Confirming Existence of Local Emergency Storm Drainage at 380 and 400 Esplanade  
**PROPOSED ACTION:** Accept current photos as of January 4, 2016 (Attachment 1) and move to continue proclamation confirming the existence of local emergency.
4. A Resolution of the City of Pacifica Authorizing Staff to Apply for a 2016/2017 County of San Mateo Community Development Block Grant (CDBG) for the Purposes of Improving Facilities at the Pacifica Community Center.  
**PROPOSED ACTION:** Move to adopt the "Resolution of the City Council of the City of Pacifica submission of an application for funding under the San Mateo Community Development Block Grant (CDBG) for the purposes of improving facilities at the Pacifica Community Center," appropriate \$30,000 from Fund 28 Parks, Beaches & Recreation Special Revenue Fund as matching funds for the project, and authorize the City Manager to execute agreements and take other actions necessary to facilitate the proposed program.
5. Adoption of an Ordinance Amending Chapter 15 "Bidding Procedures for Public Projects" of Title 3 "Finance" of the Pacifica Municipal Code Relating to Bidding Procedures for Public Projects.  
**PROPOSED ACTION:**

Councilmember Nihart stated that she didn't need a staff report, but she was saying for them to put dollar amounts in a resolution or ordinances that was dependent upon on what the state does was not really good government. She felt we should be putting in the language that applies to the state. She stated that she had the same issue on this resolution. She was not going to fight it but she was not going to vote for it.

Mayor pro Tem O'Neill moved to approve Item 5 from the consent calendar; seconded by Councilmember Keener.

Mayor Digre asked if he was voting on Item 5 or pulling it.

Mayor pro Tem O'Neill reiterated that he was voting to approve Item 5 from the consent calendar; seconded by Councilmember Keener.

6. Tentative Agreement with Teamsters Local 856 Miscellaneous Bargaining Units  
**PROPOSED ACTION:** Move approval of the Tentative Agreement as presented.
  
7. Removal of Planning Commissioner for Failure to Meet Attendance Requirements Contained in Section 2-2.116 of the Pacifica Municipal Code  
**PROPOSED ACTION:** Move to remove Commissioner Mike Brown from the Planning Commission and direct the City Clerk to advertise vacancy of one partial term on the Commission.

## **ORAL COMMUNICATIONS**

**Tom Clifford, Pacifica**, stated that he was bringing up old business that has not been handled. The first was the forensic audit which he thinks was necessary in terms of the \$4.7 or \$4.8 million and how they are going to pay that as there was no plan yet. He then stated that the pedestrian overpass was starting to shed again, mentioning that it has been over a year since he brought in a chunk of concrete. He stated that Caltrans stripped off what was going to shed and primed the exposed rebar, but that doesn't get the rebar under the rest of the concrete and was also rusting and causing things to fall. He then asked when they were going to have the community meetings on the General Plan. He thought they were supposed to have some kind of public meetings in regard to the General Plan and what the city was going to do. He heard we were close to having the new General Plan but it had been so long that they decided it should go back to the public to let people know what was going on. He also stated that we have to do something with the pier because it has a big hole and they have to figure out where that money was coming from and the agencies they can go to. He thought it will be getting a beating this year and it already has a big chunk missing.

**Julie Lancelle, Pacifica**, thanked the Council for all their hard work. She then stated that it had come to her attention that there were some meetings coming up for the draft coastal regional sediment management plan. She mentioned it because they have two public meetings planned, one in San Francisco on January 14 and another the following week at the Little Brown Church. The meetings were to inform the public and allow them to provide comments. She stated that the 30-day review and comment period ends on February 3. She was concerned about the short turnaround time for the public to digest it. She thought they did a good job. She referred to the berm and the Sharp Park Golf Course, and stated that they don't mention the golf course. She felt that was a significant resource for the community as well as a historical site. She didn't know if it was referenced in other cases, but if it was, she thought it should be referenced here

because the golf course was an important asset for the community. She wanted to make sure it was given the consideration it deserved.

Mayor Digre asked if she gave the second date.

Ms. Lancelle stated that it was January 14 at the San Francisco United Irish Cultural Center and they were having one January 21 in the Little Brown Church. She thought both start at 7:00 p.m.

**Bridget Duffy, Pacifica**, stated that she was addressing the evictions going on in Pacifica, due to the high rents which are tripled and quadrupled. She was not sure why no one else was alarmed about this or why it was a taboo thing for the local government to get involved. She felt our community was at risk as people cannot live here anymore. She stated that the newspaper officially declared Pacifica not affordable. She stated that we used to be affordable but now the lifestyle of the people of Pacifica was being threatened by unrestrained greed. She stated that they are charging people \$3,500 to rent a three-bedroom house. She stated that their mortgage didn't go up 3-4 times. They were still paying the same mortgage they were paying five years ago. She stated that this has to be addressed by our government. Families' lives were being torn apart. She stated that she has a friend who had a business that depended on him having a garage and a backyard and he now doesn't have a home or a business. She stated that we are creating homelessness and standing by and letting it happen. She felt this needs to be addressed by our government.

Ms. Lancelle clarified that the meetings start at 6:00 p.m. and go to 8:00 p.m.

**Therese Dyer, 1408 Crespi Drive**, stated that they all got a copy of Pacifica's work plan at the Democrat meeting, and she thought the City Manager shared the information with the Council. She stated that it was Pacifica's work plan for 2015-2016, with projects, etc. She referred to the City Manager, Public Works and Planning Department prioritizing items, and specifically referred to the City Manager's priorities, with #1 being to launch the Economic Development Program. She stated that they just hired an economic developer who was going to get a moving museum in Pacifica and food trucks and she hasn't seen any of that yet, adding that she was getting about \$300,000 a year. She then referred to priority #4, the beginning of the repayment of the \$4 million in loans identified in the last year's budget. She thought that should be priority #1, adding that we should have a state audit to see where the money went and hold the people responsible, whether the past City Manager or Financial Director. She stated that people responsible for losing \$4 million usually go to jail, adding that people covering up for them are accessories as they were part of that plan. She then mentioned #5 was to conduct community engagement effort related to Highway 1 widening. She didn't see any of that accomplished yet. She stated that 8 of the goals were non-prioritized. She acknowledged that the City Manager was up for a salary increase and she will talk about that later. She suggested that they look at the chart and see where they were.

**Dan Stegink, Pacifica**, thought that everyone would agree that the City Council owes the public a duty to be a good steward of its public assets. He referred to the 2212 Beach Blvd. Project and asked that it be as transparent as possible. He stated that, as of the previous week, no estimate of the value of that property had been made. He thought it was arguably the most valuable piece of city owned property in Pacifica. He stated that it was listed on one website called Bizzops.com and he thought they owed the public to have that property valued and made public. He referred to what Tom Clifford said and the August 5, 2015 LAFCO joint agency county report on an audit where it mentioned that the city's financial condition was not clear due

to a lack of verified data and a delayed fiscal year audit and unrestricted fund reserves below levels generally considered acceptable to adequately address emergency or ongoing economic conditions. He mentioned that a sentence in bold stated that audits should be completed in a timely manner to fully understand the status of the city's fiscal situation.

## **COUNCIL COMMUNICATIONS**

Councilmember Ervin wished everyone a Happy New Year and hoped they enjoyed the holiday with family and friends. She attended the Beautification Committee meeting and they were doing some amazing work with a lot of ongoing projects. They were currently looking for volunteers interested in starting a beautification project in the community center and other areas. She encouraged the public to contact the committee if interested in starting a project. She attended the Pacifica School Volunteers meeting and the director, Kathy Abel, has resigned. She asked anyone interested to inquire as it was a wonderful organization that does so much for the children in the school district.

Councilmember Nihart stated that the Transportation Authority started a new term and they received an update on all the transportation changes and issues for the Super Bowl. She stated that it was going to be quite interesting. She stated that the public should be aware that, if you are going to the Super Bowl and try to bring in anything they don't want, it will be discarded in bins. She stated that additional trains were being added to go from the city, but everyone was prepared for the fact that it was going to be difficult. She has the updated plan and can give it to the City Manager to make copies. She appreciated all the work but everyone anticipates that there will still be problems, mentioning the many private jets will be flying into various local airports. She stated that CCAG signed on to the appeal of the regional storm water permit with the Regional Water Quality Control Board, adding that the appeal was done by the Santa Clara Valley Urban Runoff Pollution Prevention program. They want to find out what the rules are going to cost the city, but the way they were doing the metrics they don't have a clue. She stated that it could cost quite a bit. She added that it was quite a change from what it was before. She stated that it didn't make rational sense, and CCAG signed on to it. The county was involved and we have options. She stated that the various committees, such as Congestion Management, bicycle and pedestrian, etc., all had openings if people were interested. She mentioned that there were several meetings going on the following week at the same time. She stated that she would be attending the Littoral meeting but there was also an ABAG meeting that same night and going to several may be a challenge. She attended the memorial service for Maryanne Moyse Derbin's 25-year-old son, adding that it gives everyone pause about the loss of young lives in vehicles during the holidays and alcohol use. She congratulated Dave Gromm on his retirement. She stated that they can't respond to Oral Communications but they can do informational pieces and she asked for a few updates. She stated that, according to Public Works Dir. Ocampo, Caltrans has been moving forward on the pedestrian overpass.

Public Works Dir. Ocampo stated that Caltrans has been proceeding with that, having done their geotechnical boring, and they were working on the artistic design that will be submitted to Pacifica for review.

Councilmember Nihart thought the overpasses will be quite different when they are done.

Public Works Dir. Ocampo agreed, stating that this was going to be a new one, a little bit north of where it was now and more aligned with the intersecting streets on both sides of the highway.

Councilmember Nihart asked if the audit was completed.

City Manager Tinfow responded affirmatively.

Councilmember Nihart stated that they accepted the report.

City Manager Tinfow stated that the report was posted on the website and will be presented to the City Council on the second meeting in February.

Councilmember Nihart thought that was consistent with what they have done in the past.

City Manager Tinfow stated that they were completing it earlier than in the past few years, or on time.

Councilmember Nihart stated that they do have another strategic planning session coming up. She stated that they have priorities that come up during the year and Council had quite a discussion. She was refreshing everyone's memory about the fact that they re-prioritize things as they go through the year.

City Manager Tinfow stated that, when it is her turn to speak, she can sum up some of the things.

Councilmember Nihart stated that she would appreciate that.

Mayor pro Tem O'Neill stated that he attended a coffee Assemblyman Mullin had. He wanted a representative from every city, and almost all cities were there. He stated that the main topics were affordable housing and transportation. He stated he was trying to address in the state legislature that San Mateo County needs its fair share and he was reminding them, especially in Southern California, that the reason there was a budget surplus was that the economy in San Francisco, San Mateo and Santa Clara were basically carrying the rest of the state. He listened to all of their issues and their thoughts and was being quite responsive. He stated that he was at Dave Gromm's retirement event at the Moose Lodge which was very nice. He attended the airplane noise meeting held the previous week. He stated that it was interesting to hear the exact cause of why this was happening. He stated that there really didn't seem to be a lot of solutions from that group except to keep soliciting the FAA and the squeaky wheel will get greased. He asked staff if they can send a letter to see if they can have an FAA representative come to the Council meeting and give an explanation. He thought it was good to hear it straight from the horse's mouth from the FAA as to why we were having the noise and what they plan on doing about it. He mentioned that Woodside had launched a class action lawsuit against the FAA for that. He mentioned that a lot of different cities were being affected by the new flight patterns.

Mayor Digre stated that she was the Council liaison to the San Francisco Airport Noise Abatement and there was a lot of work going on. She wanted a presentation in Pacifica so citizens know how to be a squeaky wheel efficiently. She mentioned that there were sites listed on the whiteboard. She encouraged people to submit their complaints to the ombudsman as that job was to listen to the public. She thought the steady constant input of reporting the noises on the city's website was important. She mentioned that commercial airlines are usually willing to spend money to pay to upgrade the planes so that they are quieter. She thought the freight ones don't seem as willing. They have subcommittee meetings to have more time with the airport staff to pin down what was going on and what the public can do to create easier and

better possibilities. Pacificans were putting forth potential solutions, rather than waiting for the FAA to go through their process. She stated that she sees this as a health issue and she encouraged everyone to not give up and express themselves. She stated that the next meeting will be February 3 in Millbrae's security room by the library. She stated that Jackie Speier's office has been involved and has had a representative at the meetings and hired a retired airline pilot. She thought having a pilot was extremely helpful and they can get both sides and craft suggestions. She mentioned some meetings coming up, several on January 21, such as the Open Space Parkland Committee, etc. She mentioned that she will be attending the annual League of Cities meeting in Sacramento. She mentioned two funerals in Pacifica, one was for the death of Jason Gilbraith on Christmas morning and Cindy Bradshaw who was a soldier. She would like to adjourn the meeting in honor of both of those young people, both around 25 years of age.

### **STAFF COMMUNICATIONS**

**The purpose of Staff Communications is for the City Manager to offer announcements as appropriate.**

City Manager Tinfow stated that the audit was not yet up on the website. While it was completed, they were not going to put it up on the website until after they present it to Council in February. She stated that the work plan update was scheduled to come to the Council on February 8, a check in as to where they were with the 20 items that Council prioritized in the past spring as part of the goal setting process. Their next goal setting for the next fiscal year was set up for Friday, February 26, at 3:00 p.m. and all day Saturday. She added that the JPA agreement for joining Peninsula Clean Energy was scheduled to come to the Council's next meeting along with the adoption of an ordinance.

### **PUBLIC HEARINGS**

#### **CONSIDERATION**

8. Introduction to Plan Bay Area 2040  
**PROPOSED ACTION:** Hear the presentation, ask questions and provide feedback as appropriate.

Planning Director Wehrmeister presented a brief staff report then introduced Pedro Galvao, ABAG planner, who gave a presentation.

Councilmember Nihart referred to the numbers quoted which she assumed were from ABAG.

Planning Director Wehrmeister responded affirmatively.

Councilmember Nihart stated that it didn't take into account that San Mateo County does their numbers just a little bit differently than some of the other counties. She stated that we massaged them across the county a little bit differently and they may not be where we were going in terms of the General Plan, and she concluded that it doesn't take that piece into account.

Planning Director Wehrmeister agreed that it did not.

Councilmember Nihart stated that it has been a while since she joined ABAG, but she recalls some of the first meetings were loud protestations and efforts at demonstrations about the whole regional planning process. She asked him to comment on how we were tackling that to make the process. She thought his coming doesn't make people aware as much as where we have come from to now and why it was important to continue this process.

Mr. Galvao stated that he wasn't around ABAG in the first regional plan and he was less familiar with the beginning, but when they did it in 2013 it was the first time they were doing this. He thought they learned a lot from that and didn't know what this could look like because it hadn't been done. They hadn't unified the Regional Transportation Plan with the Regional Housing Needs Allocation. He stated that, at that time, there was a lot of misinformation. They didn't get ahead of the message quickly enough and people would say they were taking away local land use control. He stated that the state bill expressly precludes doing anything to harm local land use control and there were a lot of misconceptions. He stated that the Bay Area has been through it once and not as new and not as open to a possibility to be anything people think it can be. He stated that they have been more proactive to reaching out to local staff and every City Council, making presentations to Planning Directors and groups like the Grand Boulevard initiative and 21 Elements. He stated that now they have a clearer idea of what they were doing and it has been a smoother process.

Councilmember Nihart referred to a comment that they have not been addressing the housing crisis, and she stated that she has been hearing about the housing crisis since she became involved in ABAG, etc. She stated that regional planning was at the crux of that, mentioning the need for working people to support the rest of the residents and they can't afford it. She asked confirmation that they have that constant struggle in every argument that goes on about planning.

Mr. Galvao responded affirmatively, adding that these issues have come up a lot at the regional level, and the graphic showed that affordable housing was front and center. He stated that displacement was another issue of deep concern to the region. He stated that, among the goals and targets he mentioned, four touch on affordable housing or displacement in some way, i.e., to house 100% of the region's population regardless of income level, decrease the overall housing cost burden by 10%, increase the affordable housing supply in strategic areas like areas of high opportunities and high quality transit. In looking transportation investments and land use patterns for the Bay Area, they will be having robust policy discussions at a regional level to address each of them. He stated that the plan will not be increasing the risk of displacement in the Bay Area between now and 2040, which also involve policy discussions. He stated that all those issues will be addressed in the plan and ultimately the plan was up to each jurisdiction to implement in the way most appropriate.

Councilmember Ervin referred to the PDAs and priority development and conservation areas, and stated she was happy that they have three PCAs in Pacifica but they don't have a PDA. She stated that during the original implementation of the first plan, it was disappointing to Pacifica not to have a PDA because they don't feel like they have transit hubs.

Councilmember Nihart commented that they didn't apply for one.

Councilmember Ervin stated that access to BART was important to Pacifica and she asked if there was anything he can say on how we advocate for a PDA area and why it was a benefit as a city.

Mr. Galvao thought it was great that they were thinking of doing that. He stated that he spoke to Ms. Wehrmeister prior to coming and she stated it was a concern for Pacifica. They looked at the transit that exists in Pacifica and he thought there could be some areas that were potentially eligible. He stated that the first time PDA applications were made available from January 2014 through June 2015, they didn't get an application from Pacifica. He stated that process was now closed, but once the plan was adopted, the clock starts again in 2017 and they will announce another opportunity for jurisdictions to propose new PDAs and new PCAs and, at that time, Pacifica can propose those areas. He added that it didn't preclude the city from planning locally for having those areas. He stated that, once you apply, and you can provide that information, it will become easier to assess access regional resources that are available to those areas, such as planning grants, etc. He mentioned the state adopted affordable housing and sustainable communities program, and if you have a PDA, the state was asking for applications for projects within places that look a lot like PDAs. He reiterated that, if Pacifica wants one, they can start the process, and they may be eligible for state sources of funding, then they can align that with the regional funding sources.

Councilmember Keener asked what the transit requirements were for a PDA.

Mr. Galvao stated that there would be 20-minute headways at peak times in some location within the PDA and he believed Pacifica has such places.

Councilmember Keener thought that, at a minimum, Pacifica would need reliable transit to BART. He referred to projections for households and jobs in Pacifica, and asked what year the projections were for.

Planning Director Wehrmeister asked if he was asking about the ranges they received from ABAG.

Councilmember Keener stated that he was asking what years the ranges represented.

Planning Director Wehrmeister stated that the range ABAG presented would be through 2040. She was comparing them with the 1980 General Plan, the city's existing policy document, which was out of date. She stated the draft General Plan was not adopted but would go out to 2035 or 2040.

Councilmember Keener stated that, in the staff report, they were compared to the numbers that were in the 2010 census. He stated these were higher but, if the numbers were meant for 2040, that was quite a way off and maybe they will expand, adding that we have not since the last General Plan was adopted in terms of population.

Planning Director Wehrmeister stated that, from the feedback during the housing element update, that was part of the reason why the community wanted some engagement because they haven't grown as much as the projections thought they would, even in the city's planning documents.

Councilmember Nihart thought the additional criteria that has changed around a PDA was that the area was 40 acres as opposed to 100 plus.

Mr. Galvao responded affirmatively.

Councilmember Nihart thought it was a smaller impact area where they can have some density increase that will fund the transportation or provide resources for transportation and it doesn't have as broad an impact or as big areas as originally proposed.

Mr. Galvao stated that the 40 acres was the minimum and it can go up to 600 acres.

Councilmember Nihart agreed, but added that it was not Pacifica.

Councilmember Ervin asked if these projections assumed less job growth and more housing growth, wondering how they were going to close the gap.

Mr. Galvao stated that the projections assume what they think the Bay Area will look like in 2040 with looking at trends in housing prices, population growth, employment, and with the projections they don't look at displacement per se, but with the way they are growing and the trends in place and the latest models in terms of employment, population, household and what they think the Bay Area was going to look like. He stated that, through the planned process when looking at the goals and targets and scenarios, they then talk about locating more jobs in the three large cities or medium size places, which was where they have the discussion of where housing and jobs were going to go and how they relate to the region's growth.

Councilmember Ervin asked if businesses used this information in order to plan for their future growth.

Mr. Galvao thought they did. They did projections every two years, with the latest in 2013. They released that information to every city and make it available for any agency to purchase from them. He stated that this information was regularly requested by various private sector planning firms as they looked at how their markets are likely to evolve.

Mayor Digre asked who looks at the availability of water.

Mr. Galvao stated that was not something SB 375 and Plan Bay Area set up ABAG and MTC to do. He stated that ABAG was starting to convene on water and how they plan for it as a region, adding that water has its own politics and own agencies that oversee it, such as the utilities that manage it such as PUCs, etc. He thought it was complicated, such as water availability or sea level rise, and each had a different agency. He concluded that it was more in the purview of the utilities, commissions, state water board than with ABAG or MTC.

Mayor Digre asked if, in their deliberation on the future, there was something written in and plans to talk to each other and share information.

Mr. Galvao stated that currently there was not but those were ongoing conversations that they were having and they were convening the decision makers. He doesn't know if ABAG was going to have a robust water policy, but it will be something they bring back to their executive board and Councilmember Nihart will be apprised of this and let the city know how they are involved with the issue.

Mayor Digre stated that she doesn't often hear about clean vehicles and she had heard recently that the group, Breath, was bringing up the topic. She clarified that she was not talking about the electric train but cars where the density housing would be.

Mr. Galvao stated that would come under MTC's purview for sure and they have policies around promoting cleaner vehicles and higher emission standards, working closely with Bay Area Air Quality Management District which looks at emissions from vehicles, such as trucks and cars, and how they can promote cleaning vehicles regionally.

Councilmember Nihart stated that the funding sources were completely separate. She stated that one thing CCAG was trying to advocate for was the nexus between transportation and storm water. They have been working with Sacramento, agreeing with Mayor Digre that there was a point at which water has to become part of this planning process. She stated that the fact that the funding sources have been separated was why they haven't been considered. She stated that there was about \$150 million of Caltrans money that has to go to a certain amount of water resource in their transportation projects but it was a small amount of their total budget. They were looking at lobbying them to include that in some of their grant applications, adding that storm water was a huge piece with which they could be doing a better job.

Mayor Digre opened public comments.

**Tom Clifford, Pacifica**, stated that he has talked to people about this over the years, and he suggested the Linda Mar Shopping Center and the park & ride across from the center. He stated that he didn't know if it was 40 acres but it was already developed and was already being used for buses and if they can bring it down to the south end of the city, it would be a great planned development area if it meets the criteria. On referring to the planning, he stated that he read an article that self driving cars were going to change everything. He stated that the deal between Uber and GM was going to put more and more of them on the road. He stated that the trend would be people not having their own cars but calling for a car that will pull up in front of their house, get in it, go where they were going and was basically transportation pods which would greatly reduce the number of vehicles on the road, reduce air pollution, etc. He thought it would make a big change in the next 20-30 years. He thought they probably should start to look at it in this plan because it was a technological tsunami.

Mayor Digre encouraged entrepreneurs to look into the new shuttle system.

Mayor Digre closed public comments.

<b>RESULT:</b>	<b>NO VOTE REQUIRED</b>
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9. Resolution Creating the Library Advisory Committee  
**PROPOSED ACTION:** It is recommended that the City Council take the following actions:
1. Move to adopt the attached resolution Creating the Library Advisory Committee; and
  2. Direct the City Clerk to begin the recruitment process for the community at-large Committee members.

Planning Director Wehrmeister presented the staff report.

Councilmember Keener was concerned that the appointed city committees and commissions have only two members from the actual Library Foundation or the Friends of the Library but they have the Economic Development Commission and Chamber of Commerce. He didn't understand how they would have a standing in this. He asked for an explanation on how they came up with the list.

Planning Director Wehrmeister stated that this was an important project for the community and a lot of different groups were going to be interested even if they don't have a direct connection. She explained that part of the thought process in recommending the committee makeup was to try to get representatives from a broad array of community groups and organizations. She thought part of the reason the Economic Development Commission was selected was that this was a key corner of the Palmetto Avenue area and they were already working on outreach to the business community and the input from that commission would be valuable in this committee.

Councilmember Keener asked for an explanation on the Chamber of Commerce.

Planning Director Wehrmeister thought they would be the same reasons, but they would be representing the broader business community.

Councilmember Ervin assumed that the library liaison committee had an opinion and voice in the makeup.

Planning Director Wehrmeister stated that they met and this was on their agenda twice. There was a discussion of who should be on the committee.

Councilmember Ervin thought they were supportive of the newly formed committee, but she missed the meeting and wanted to hear it.

Planning Director Wehrmeister agreed that they were supportive.

Mayor pro Tem O'Neill asked if the length of time for the committee was less than a year.

Planning Director Wehrmeister thought it will be longer than that, explaining that it was anticipated that the committee would be advising staff through the completion of construction.

Councilmember Ervin looked at the appointed group and wondered if there was any thought to having a member of the Pacifica Mother's Club or preschool.

Planning Director Wehrmeister stated that they did talk about all of those groups, at one point considering a committee of approximately 20 people but it was growing too big and they decided to pick the groups that the Council would like to represent, and she anticipated that someone from the Mother's Club would apply and state that they represent families with children and maybe other organizations as well.

Councilmember Keener asked what the committee would actually do, assuming that it will determine the size and design of the library, the bond issue, and everything about the library.

Planning Director Wehrmeister stated that it was an advisory committee for staff and they will assist staff in making recommendations to City Council, such as selecting an architect, etc.

Councilmember Keener asked if she meant staff was the Planning Department.

Planning Director Wehrmeister responded affirmatively.

Mayor pro Tem O'Neill stated that he was at the meeting and wanted to answer some of the concerns of Councilmember Ervin. He stated that, if you look at the makeup, there were families with children, PB&R which has a huge child program and both school districts there to represent age appropriate. He thought there was quite a bit. He stated that the issue discussed was, when they started throwing in everyone, they questioned whether they could get a quorum as the committee would be subject to the Brown Act. He stated that it will be publicly noticed for anyone to attend or participate.

Mayor Digre asked what the status was for the Pacifica Library Foundation and the Pacifica Friends of the Library, acknowledging that they each had a representative on this committee.

Planning Director Wehrmeister stated that this has no bearing on their status. They will continue to operate, elect a representative to be on this committee and represent their opinions.

City Manager Tinfow added that they planned to do a lot of the fundraising and help the city with paying for the library and making sure it all came together.

Mayor Digre concluded that, if the advisory group didn't have the same mindset as the other two, what do we do, adding that she can answer the question later.

Mayor Digre opened public comments.

**Ellen Ron, Rockaway Beach Avenue**, stated that she was the president of the Pacifica Library Foundation. She stated that this was the 14<sup>th</sup> year of the foundation's existence and they were thrilled with staff and Council moving this project so far forward that they might even see the goalpost there.

**Eric Ruchames, Pacifica**, stated he was a member of the Library Foundation board and he thanked Council for continuing this as a priority for the city and for directing staff to make it that priority. He thought they were fortunate to have both the City Manager and Planning Director and staff who bring a skillset to the project. He also thanked Councilmembers O'Neill and Ervin who have been the Council reps to the liaison committee, which once the Advisory Committee was underway will be phased out in favor of the larger and more public group. He thought that was the way to go. They have talked about this several times as to how this would be brought together. He stated that the goal was to bring the broader community in to do this in order to have support for the bond that will be necessary to fund it. They thought this was a good method to do that. He appreciated their voiced concerns about the Foundation and Friends as voices on the committee. He stated that they will be loud and direct. He stated that they have made great progress in the last few years, which was in no small measure to Council's support and staff's expertise and they were looking forward to the next phase and some successful movement on the project.

**Lionel Emde, 130 Gordon Way**, stated that they have a big problem with the bond issue, stating that they don't trust them. He stated that he was speaking for a lot of people in the community who look at the debacle of the missing money which took a year and seven months to get an audit to find out where the money was. He presumed it was going to be there, adding that glaciers were melting faster than they were getting their fiscal house in order. He stated that the problem was that this idea was a very good one, but a high bar with two-thirds vote. He stated that, with one vote short, it was damaged. He added that, if it goes the way the last three tax elections in Pacifica has gone with 60+% no vote, the idea was destroyed and that would be a shame. He stated that they had trust building to do.

**Tom Clifford, Pacifica**, stated that he supported the new library idea, adding that he thinks the committee was way too big. If people speak for a minimum of five minutes, they were getting close to two hours. If they have a meeting once a month, he thought they needed to reduce the numbers or they won't have any real progress out of the committee, mentioning how long the meetings will have to run if they are going to get anything accomplished in an evening. He suggests a smaller head group and then subcommittees out of some of the groups to work on specific tasks within their goals.

**Bridget Duffy, Pacifica**, admired them for doing the work, but stated that the system was broken. She concluded that they were planning on putting about \$50 million into a building on Palmetto which might be under water in ten years and she didn't know if anyone was paying attention but it was a library. She stated that people weren't even reading anymore. She stated that she goes to the library and it was empty all the time. She asked, with all the problems we are facing as a society and a city and with people living in the street, how we were rationalizing this committee. She felt there were things we could be doing now to create a community that was safe from the ocean, powered by the sun and wind, and was a livable community. She stated that we have the funds, the resources, but we were stuck in the mire of olden days where all that mattered was the money exchange that keeps happening and we have to start thinking more in terms of what was best for our lives and not what's best for a few people's pocketbooks. She felt this was a lot of money that could be used for real things. She stated that she wasn't trying to talk them out of a library but she questioned Palmetto being 10 feet under water in ten years.

Mayor Digre closed public comments.

Mayor Digre stated that it has been a long time coming and they will need to keep it going with a bond issue. She thought the 14 number was worrisome but with committed people they could have long chats but get to something quickly for it.

Mayor pro Tem O'Neill thought he would mention the benefits of a library. He acknowledged the early libraries were all about books, with musty smells and millions of cards, but they have evolved. He mentioned that there were some in Alaska that had skeleton and animal pelts that the teachers borrow to learn about wildlife. He mentioned a discussion about fishing gear for people in Pacifica to go out on the pier to fish. He stated that one of the results when they cut money for operating expenses was that it wasn't there for people to apply for jobs who had no access to a personal computer. He also said there were 12,000 Pacificans who have library cards and use it regularly, senior programs, storytime for kids, etc. He concluded that saying that a library was just about books was not what a library was about in the 21<sup>st</sup> century and it can benefit everyone in the community. He mentioned a study that showed for every \$1 invested in a library, there was a \$4 return in economics. He thought the location was good and it would be good for Pacifica to move forward with this being the first step. He stated that this was free and helped people to do what they needed to do in their lives. He felt they needed to take action and move forward.

Councilmember Nihart thanked everyone who has worked diligently on this to put together years of faith, belief and hard work. She stated that chairing a committee of 21 elected plus 3 representatives from transportation to get a heavy agenda done in two hours required a knack but can be done depending on how they organize it. She didn't recommend 21 plus 3 but 14 was probably still in the manageable range.

Councilmember Ervin extended her gratitude to the people who have been dreaming about this new library for approximately 14 years in the making. She thought it was exciting to think we were turning a corner, largely because of all the work they have done with staff input to make sure things get done. She stated that they can do whatever they can do to support them. She supported being transparent and supported those involved in any way. She agreed with Mayor pro Tem O'Neill about the strong attributes of a library and it will bring a positive to the city that was desperately needed.

Mayor pro Tem O'Neill referred to the \$30 million figure mentioned for the library and stated that it was not set in stone. He stated that one of the committee's duty will be to look at the building as a Christmas tree with all the things in it as ornaments and help decide what ornaments go on that "Christmas tree" building. He reiterated that the \$30 million was not set in stone and it could be less.

Mayor pro Tem O'Neill moved to adopt the attached resolution creating the Library Advisory Committee; and direct the City Clerk to begin the recruitment process for the community at large for committee members; seconded by Councilmember Nihart.

Mayor Digre stated that public libraries were essential to our democracy in keeping us all free and educated. She stated that it was a great place for educating ourselves and each other, as well as dialogue. She thanked everyone.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike O'Neill, Mayor Pro Tem
<b>SECONDER:</b>	Mary Ann Nihart, Councilmember
<b>AYES:</b>	Digre, O'Neill, Ervin, Nihart, Keener

10. Consideration of Interim Urgency Ordinance No. \_\_\_\_ of the City Council of the City of Pacifica Establishing a Moratorium on Marijuana Cultivation Facilities Within the City of Pacifica Pending Completion of a Comprehensive Update to the City of Pacifica Zoning Regulations Regarding Medical Marijuana Establishments.  
**PROPOSED ACTION:** Adopt Interim Urgency Ordinance No. \_\_\_\_ Establishing a moratorium on marijuana cultivation facilities within the City of Pacifica pending completion of a comprehensive update to the City of Pacifica Zoning Regulations regarding medical marijuana establishments.

Police Chief Steidle presented the staff report.

Councilmember Ervin referred to mention of commercial use versus private use. She asked what they were talking about, asking how much someone using medicinal marijuana would be allowed to grow compared to what was meant by commercial cultivation.

Police Chief Steidle stated that, regarding marijuana patients, the law reads that six mature plants or 12 immature plants, which was a small personal amount. He stated that, on looking at state drafts and how licenses may look, they were talking about thousands of square feet for commercial, either small or large, not people who have marijuana cards growing for personal use but companies in the business of growing the medicinal marijuana product for sale to qualified patients.

Councilmember Ervin referred to discussion about legalization, and asked, if it was legalized, would the local jurisdiction go away.

Police Chief Steidle stated that they were talking about two separate issues, whether they would allow, in the future, cultivation, transportation or dispensing of marijuana. If the Council were to decide that they didn't want that activity, if recreational use of marijuana were to pass in the state legislature and become law, it would not affect the ability of anybody to walk around and smoke marijuana in Pacifica. They would not ban that but would be addressing the businesses in town.

Councilmember Nihart stated that Pacifica has inclusionary ordinances in our business licenses to specifically allow someone to have a business and the business has to be named.

Acting City Attorney Visick stated that Pacifica has a permissive zoning ordinance and everything that isn't permitted is prohibited. He stated that this was the status quo, and commercial cultivation of marijuana was not currently allowed in Pacifica. He stated that this moratorium was needed to clarify that for purposes of making sure that the city retains local control going forward and the state doesn't start telling the city what they can and cannot allow with respect to cultivation.

Councilmember Nihart stated that was exactly where she was going. She stated that this ordinance does not change a thing that was going on now and will only give the city control over what might happen in the future, when we can then say yes or no.

Mayor pro Tem O'Neill referred to the slide regarding the complexities of Planning Commission, City Council and Coastal Commission, and asked how the Coastal Commission gets involved in medical marijuana.

Planning Director Wehrmeister stated that any land use regulation that the city adopts would be applicable in the coastal zone and was technically an amendment to the local Coastal Land Use Plan and, after Pacifica adopts an ordinance, it gets sent to the Coastal Commission who would need to review and amend the local Coastal Land Use Plan.

Mayor pro Tem O'Neill concluded that agriculture was part of the local Coastal Plan, adding that he was curious as to how they got involved.

Councilmember Keener thought there was a different view of the fix for the legislative snafu to which Chief Steidle referred. He stated that the person who wrote the bill introduced AB 21 which will eliminate the deadline of March 1 with no deadline and it was supported by the League of Cities and other entities. He stated that everything he read says this will pass and, if it doesn't pass by March 1, the state entity developing the regulations for cultivation of medical marijuana will not have those developed by March 1 either so he didn't see the need for this urgency ordinance.

Police Chief Steidle stated that he made a good point. He reported that he had recently attended a presentation by the California Police Chief Association as well as League of Cities, and the information they were getting was that it could pass and it could be cleaned up; however, the ramifications if they were wrong was what they were trying to avoid. He stated that the beauty of this process was that, in this emergency ordinance, they were simply putting into writing what we were already doing. They were not changing anything as they currently do not allow cultivation and do allow patients to cultivate their smaller amounts. He again agreed his point was well taken, but the nervousness lies with will it really happen and will it pass and what were the ramifications for Pacifica if it doesn't.

Councilmember Keener asked confirmation that the urgency legislation will not affect small amounts of cultivation by medical marijuana patients.

Police Chief Steidle responded affirmatively.

Councilmember Keener concluded that was the way it was now.

Police Chief Steidle responded affirmatively.

Councilmember Keener asked on what it would put a moratorium.

Police Chief Steidle stated that it would be commercial cultivation.

Councilmember Keener asked if it would include nothing else.

Police Chief Steidle responded that it would include nothing else.

Councilmember Keener asked if it would be for 45 days.

Police Chief Steidle responded affirmatively, adding that staff will be working on it and, if they need to extend that, they would be required to come back to Council for permission to do so.

Mayor pro Tem O'Neill stated that, as a realtor going into a house, Councilmember Keener would not want one of these next to his house, adding that they have ripped out walls with large vents with rows of plants with heaters.

Councilmember Keener assumed that was currently illegal.

Mayor pro Tem O'Neill stated that, if Pacifica doesn't pass this and the state allows that, Pacifica will not have the control to stop it. He stated that they were voting to maintain what we already have.

Councilmember Nihart thought the real issue was the part of permitting so that kind of thing doesn't happen. The moratorium was not at the state level but at the local level.

Police Chief Steidle responded that, if he understood her question, the answer was yes, explaining that they were putting the moratorium on this to reduce the risk in the future of losing that control. If they were to allow this type of business in Pacifica, they would have local control over how it was conducted so it meets the needs and insures the safety and welfare of the community.

Councilmember Nihart referred to the urgency, stating that they had legislation that was assured to pass for CCAG last term and literally in the final hours it didn't. She concluded that one never knows in terms of urgency. She stated that everybody predicted that it would.

Mayor Digre opened public comments.

**Dan Stegink, Pacifica**, applauded Chief Steidle for being proactive on this issue. He also stipulated to the City Attorney's expertise on marijuana issues. He stated that he read the bill three times, looking it up on Nexus Lexus. He stated that this wasn't boilerplate. This was a bill they were writing from scratch. He stated that there was a fine line between legalization and

medical marijuana, referring to commercials in Los Angeles and stating that you may not even know you have glaucoma. With that in mind, he would like to look at extending this to protect some children. He referred to page 84, mentioning some specific stipulations that Chief Steidle said echoed the state law that qualified patients will have no more than six plants and cultivates for his or her own personal use. He stated that he had a friend who was a prominent attorney who found a medical marijuana card in his 12-year-old kid's wallet. He asked if the City Attorney could address whether what we have or state law has that would prevent children from accessing marijuana and if there was anything they could do to prevent that. He then referred to a story, possibly folklore, about a mayor doing a Mayor's Walk on Palmetto and walking into a marijuana dispensary that no one was previously aware existed.

**Bridget Duffy, Pacifica**, stated that marijuana was a medicine. She stated that the fact that it was still illegal was pretty outrageous. She thought the table was turning and we were looking for a federal lift of the prohibition of hemp. She stated that it was coming. She thought having a police officer recommending that the City Council put a moratorium on marijuana cultivation was a little bit like having a fisherman asking them to remove all regulations for fishing at a pier. She stated that there was suspicion when the police were asking to make something that was almost legal more illegal, just temporarily. She was surprised this was even coming up. She stated that we were all adults, and they have spent millions of dollars researching marijuana, hoping to come up with a good reason for the prohibition and all they have managed to come up with was that it actually cures some tumors and relieve a lot of other symptoms. She asserted that it was a medicine and felt the prohibition on marijuana should never have existed in the first place and it needs to end.

Mayor Digre closed public comments.

Mayor pro Tem O'Neill moved to adopt Interim Urgency Ordinance No. \_\_\_ establishing a moratorium on marijuana cultivation facilities within the City of Pacifica pending completion of a comprehensive update to the City of Pacifica Zoning Regulations regarding medical marijuana establishments; seconded by Councilmember Nihart.

Councilmember Nihart verified that the rumor was not folklore.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike O'Neill, Mayor Pro Tem
<b>SECONDER:</b>	Mary Ann Nihart, Councilmember
<b>AYES:</b>	Digre, O'Neill, Ervin, Nihart, Keener

11. Consideration and Adoption of Resolution Approving Second Amendment to Employment Agreement Between City of Pacifica and Lorie Tinfow as City Manager.  
**PROPOSED ACTION:** Move to adopt a resolution (attached) Approving the Second Amendment to Employment Agreement Between the City of Pacifica and Lorie Tinfow.

Acting City Attorney Visick presented the staff report.

Mayor Digre opened public comments.

**Tom Clifford, Pacifica**, stated that he was going to say what he said at the Saturday meeting. He stated that the city was currently borrowing a million plus dollars a year from the sewer maintenance fund and they don't have the money to authorize a raise no matter how much she

might deserve it. The justification he keeps hearing was that everybody else was getting this kind of money and this kind of severance package, but he stated that other cities have money they can spend. Pacifica was borrowing money to have the illusion of a balanced budget. He stated that, if you are borrowing a \$1 million a year from your sewer maintenance fund and putting it into the General Fund, you don't have a balanced budget and don't have the money to be giving additional raises. He stated, as a business man, when his business is doing well, his employers are doing well, and when he runs into hard times, he may have to lay people off. He may get requests for raises that he cannot meet, and have to say no and they are lucky that he was able to keep him employed. He stated that they really have to think about the money available to spend. He stated that it was not there.

**Caroline Barba, Pacifica**, stated that she first met Lori Tinfow several years ago when she was the Asst. City Manager for Walnut Creek. She stated that part of her duties were to oversee the construction of the new Walnut Creek library. She saw that project through under budget and on time. She was impressed with her professionalism and energy and she has continued to impress her. She appreciated her drive for transparency including inviting more comment from the community and for the bond oversight committee. She felt trust was really important, with an independent committee to oversee the expenditure of money. She felt she has done a terrific job and she was in favor of the proposed salary increase.

**Lionel Emde, Pacifica**, stated he was not in favor of the increase. He stated that, if they approve it as drawn, their credibility with the public will be lessened once again. In talking about pay for performance in Pacifica, the city finances were still not happening and were still waiting for an audit. He thought it may have been only public pressure that produced the pending audit. He commented that the severance package was a real wonder. He didn't buy the comparable salaries in other cities argument. He felt the whole pay thing was a racket. He referred to the City Attorney and City Manager negotiating it at City Hall, which he understood was how it happened. He thought no outside attorney from another firm coming in to look at this had a real bad appearance. He didn't care if that was how it was done in the past, but he felt it stinks. He thought both of those employees were the ones who serve at the Council's pleasure, but the City Attorney has a big stake in keeping the City Manager happy. He felt that meant the sweeteners were all going to be there. He felt that, if they cut it back some, that would be a very good thing.

**Toni Boykin, Pacifica**, stated that they haven't mentioned at this meeting what was mentioned at the Saturday meeting which was that this was partly a transfer of \$12,000 in relocation cost to salary. She thought the relocation was important to the city. She thought, in the future, they should encourage their managers to live here. She stated that, if the relocation was not going to happen, that money should not be spent. She stated that she didn't know if any of that money has been paid yet, but if it has, she would like to know what the justification was. She stated that, as others have, that Pacifica doesn't have the finances. She stated that she comes every year to speak for the Resource Center and the employees of Pacifica have had their salaries frozen for a long time and she felt it should not be any different for the executives.

**Therese Dyer, Pacifica**, stated that she wanted to go on record as opposing this increase. She stated that, a few months ago, she put a request under public records about how much we were spending for the City Manager, Economic Developer and Asst. City Manager and, from what she gathered at that time, it was close to \$1 million now. She stated that we were dealing with million dollar figures and she brought to the Council years ago that Pacifica spends \$4 million on consultants, and when Ms. Tinfow came, she discovered we were \$4 million in debt that we were missing or transferring from one fund to the other. She addressed this to various

councilmembers and never got a response regarding that you cannot transfer money from the Enterprise fund to pay for pension funds or anything else. She read to them the law and none of them have responded to her. She stated that she has no alternative but to take some other action through the state and see what they are going to come up with unless they can tell her where they find that they can do this. She stated that they were double billing the taxpayers because we are paying our property taxes, the highest sewer tax in the county and then they are transferring the funds. In essence, we were paying for that and someone should look into that. She referred to a post on the website regarding \$213,996 regular pay, \$37,790 other pay, asking what that means, \$57,980 benefits, \$10,000 deferred compensation, \$160,497 severance pay, \$22,588 election composition, asking what that means, \$1,842 election benefit, for a total package of \$517,777. She stated that, if you add that up with the Economic Developer, mentioning that she didn't see what she has done yet, and the Asst. City Manager who hasn't published a budget in the newspaper since June, Council should think about it.

**Linda Jonas, Pacifica**, stated she was a 40 year resident, very active in the community. She didn't claim that she knows all the ins and outs of what all their jobs were, but she felt she had a little bit of an analogy. She stated that when she first started working for the local school district, they were noted as being a really poor district and had a bad reputation. They had no money and then they got great leadership in the district and she pointed out what a great school district they have now. She stated that the city has had a bad reputation about not being open and all those things, but it seems to her that it was worth it to keep someone like Lori Tinfow who she feels was striving very hard to work with all of us to be open and to clear up the problems of the money they have had to pay back. She trusts her and believes in her like she does in the Council. She felt it was worth taking good care of her so we keep her here.

**Dan Stegink, Pacifica**, stated that the City Manager and City Council have a duty to be good stewards of the public's money. He stated that the public wants to know what happened to its money, no matter when in time, and part of the public trust was to avoid impropriety and the appearance of impropriety. He stated that the way this was scheduled, the Saturday before Christmas with little notice and booked by City Attorney Kenyon, had the appearance of impropriety, whether accurate or not. He referred to the figures mentioned and he stated it was what he calculated, based on the City Manager's contract. He sent it to State Controller John Chang last week for his comment but has not received it back yet. He stated that the total compensation, if Ms. Tinfow were fired after August 11 of the next year, would be \$517,777. He stated that she got election compensation and can't be fired 90 days before and after election, has nine months severance, nine months benefits. In 2012, we had 300 employees, 2013, 314 employees, 2014, 318 employees. He stated that the cost keeps going up. He was stunned to see that, January 2014 to June 2015, Pacifica didn't even apply for \$40.9 million of priority development area benefits from the County. He stated that LAFCO has said a plan for improving revenues and containing expenditures should be prepared to address future financial needs. He stated that City Manager Tinfow was known at Walnut Creek for three things, getting a new library, being a union buster, a scandal involving the pedophile Jason Pedrosa. He was all in favor of paying for performance. He stated that, if we want a new library, give her a bonus for a new library. If they want her to bust unions, give her a bonus for that. He wants to make sure that the City Attorney was explicitly stating what the maximum they will pay her and cap it at that, specifically \$517,777 but if they are saying it's not that much, whatever they agree it is, they should cap her final year compensation at \$450,000. He stated that the City Council owes a duty to the taxpayer to not only look at the best case fiscal impact, but the worst case. He stated that fiscal impact was a range, not just \$12,000. He stated that if she quits tomorrow, the fiscal impact would be zero, but it was not and was not \$12,000 either. He thought this contract

could very easily make Lori Tinfow the highest paid City Manager in the state if she was fired or quit after August 11, 2016.

**Bridget Duffy, Pacifica**, stated that she came a few weeks ago, and it seemed that the City Manager was at the heart of why Mr. Keener was not allowed to put something on the agenda. Then, the next week, what was on the agenda was a rule that one person cannot put anything on the agenda anymore. She stated that it sounded kind of sneaky. She stated that also on the agenda that day that the City Manager should have all say as to what goes on the agenda, also a little bit sneaky. Now, she found out the emergency moratorium on eviction that was the issue that Mr. Keener was trying to put on the agenda was overruled and not allowed by the City Manager, even though he was elected and she was appointed. She thought it sounded illegal and unconstitutional but was definitely rude. Now, on the agenda was a raise for said City Manager. She felt this was ridiculous and laughable.

**Ginny Jaquith, Pacifica**, stated that the Council knows their role and responsibility in this community was to set the direction and goals for the future and priorities, and in doing so, to hire professional staff who can implement those goals and work with Council to create the future direction of this community. She mentioned that she has lived here for a number of years and has had an opportunity to observe what was going on in this community, and currently was involved in a city committee and actively working with city staff on a number of projects. Those observations tell her that the Council has done a good job of setting future direction for the community with goals and objectives needed to implement that. She felt that, at the same time, they have done an excellent job in securing professional leadership to implement what they have set. She stated that the community, as well as Council, has made great strides in the last couple of years to address some of the real critical financial issues that have been facing the community and increase the capability and capacity of department managers to get the job done to open communications based on communication plans that have been part of Council's goals and objectives and to address the issue of transparency and work toward connecting the city and Council with the community. She stated that they can't be a magician and get all of that done. It takes time, hard work and commitment by everyone. She stated that was what she expected from the Council and city staff. She thought it was important that they support the current City Manager, adding that this was not an unusual set of circumstances. She firmly believes that they cannot afford not to do this. She stated that they have made great strides and progress and it would be unfortunate if they did not support the current management.

**Betty Duran, Pacifica**, stated that she hadn't planned on coming but she was thinking about this issue and her own home. She stated that, when they don't have money in their home, they don't get what we want. She stated that it doesn't mean that the City Manager wasn't worth it, and doesn't mean never, but it just means not now. She thought she came from a fairly affluent community, but that was not what Pacifica was. She asked that they think about it. She didn't think we can afford the raise. She again stated that she was not saying she wasn't worth it. She didn't have an opinion about that but she felt we were not financially able to do it.

Mayor Digre closed public comments.

Acting City Attorney Visick stated that there was a comment made earlier that made him realize that he did not say something as part of the staff report. He stated that this item did not originally come to them at the Saturday meeting, but on December 14. It came back at the Saturday meeting and was now here for a third time. It was the same item in front of them each time.

Councilmember Ervin reiterated what she said at the Saturday meeting, specifically that they have gone through a long process through all our labor contracts and it has been very important to them that they attract and retain quality people. She stated that they have come to the point where, after many years of layoffs and paycuts or freezes, they have been striving to pay within 5% of average within a city wide survey. She also stated that this was not paying an exorbitant or excessive amount but with the current staff, she would like to pay a highly competitive salary, but it was a fair salary and something that Pacifica's staff deserve. They have taken that and extended it to provide that salary for our City Manager, who currently was in the very bottom quadrant of all city managers in San Mateo County. She stated that there was nothing exorbitant about what was being asked and she thought anyone can look at the data which she did. She stated that, in order to find a qualified person to run a very difficult city they have to pay and she felt we cannot afford not to pay because, if Ms. Tinfow decides to leave, what was it going to cost the city. She mentioned hiring someone else, getting a consultant firm to help them find another city manager and that city manager was not going to take the lowest salary in San Mateo County. She added that she felt she was incredibly valuable and was putting our city on the right path. She stated that none of us are perfect and we may not agree with all issues, but she was a professional and strong leader and she had confidence in her ability to lead the city forward. She felt like it was going to cost far more to not support the City Manager in the future. She appreciated the comments that it didn't seem very transparent to have it on the Saturday agenda and she thought it was unfortunate that was how it appeared, but it was on the previous agenda. Because they had it on the agenda and they only received one card at the meeting, they felt it was okay to have it on Saturday being that it was already on the agenda. She thought it made sense to have it at this meeting. She reiterated that there was no intent to not be transparent which was why they were having it at this meeting. She also referred to comments made on the severance package, explaining that the severance package was an average as most were anywhere from six months to 18 months, and this was an average and you don't get a severance package unless you are fired with no fault of your own. She stated that she cannot quit and get a severance package and cannot be fired for cause and get a severance package. She appreciated that it seems like a high paying salary to many people but it was the cost of a city manager and they are doing the best they can. She would like to retain her for as long as they can in Pacifica.

Councilmember Nihart stated that it saddens her immensely when she hears things and sees someone who was undeserving of the kinds of rhetoric she has heard. She knows we all have emotions and we look at things and think what it must be, but she felt Ms. Tinfow has taken a beating over some actions that sitting Councilmembers asked to have happen. She finds that amazing since it usually takes a process to put together an agenda. They have gone over that in other meetings. She stated that the mayor talks to the City Manager and they come to decisions, and the City Manager talks to all of the Council as they have to know what was going on and what was going to come up. She stated that it was a process and to make any assumptions or blame or distortions was tragic. She finds it amazing that we believe everything that was posted on an internet site without any real critical analysis of where it might come from, adding that it was sad. She asked how many employees we have.

City Manager Tinfow stated that they have 157 FTEs and many more temporary, seasonal employees, with the number of FTEs the same today as when she arrived.

Councilmember Nihart assumed 157 for the last several budgets. She also recalled an extended period of time in which they had no one in City Hall, and they had an extended period of time when they were literally trying to piece together the finances because there was a certain lack of transition and showing people where the keys might be. She stated that they

reconstructed everything. She also recalled a lot of changes that the Council has made in priorities and strategies of where we are going. She acknowledged that meetings get set aside because they have a limited staff but the bottom line was that, when Ms. Tinfow was hired, they laid out some things that they expected, and in every aspect of those expectations she has seen not one bit of wavering effort or lack of support and seen herculean efforts at times to get those accomplished. She was much clearer about where things are than ever before, where the finances are and she was so sick of hearing about \$4 million. She stated that Ms. Tinfow was the one who found it and sorted out all those funds when Councilmembers were saying it didn't make sense. She felt they were killing the messenger. She was impressed with everything that she does and she looked at salaries because of looking at trying to hire staff. She stated that nurse managers at San Francisco General are making \$196,000 and they don't have the budget or responsibility, adding that she has eight of those working under her. She thought it was striking that we have a real gift and she hoped they keep moving forward and hope they all work together in the strategic plan and make that happen.

Mayor pro Tem O'Neill referred to comments that the City Manager hasn't done anything since she has been in Pacifica and he would like to go over some of the things she has done. He stated that upon her arrival, she discovered that the \$4 million went to other funds in the budget, adding that it was legal to transfer between funds if you have a repayment plan but there was no repayment plan and in some cases no documentation for it. She also discovered that they didn't have a bookkeeper and she tried to recruit a finance director and because of the salary being offered, they couldn't find one. She then hired an assistant manager and they now have a CPA in finance, probably the first time the city ever had a CPA in finance. The City Manager said they need someone in there who knows how to do the books. She has delivered a balanced budget. He stated that you don't go from 0 to 60 mph in two seconds and have to do steps, detailing what she did do in the process and mentioning her past experience. He stated that her plans was to start that this year.

City Manager Tinfow stated that they have already started and the staff was doing their part of it.

Mayor pro Tem O'Neill stated that they will be seeing the fruits of that labor. He then referred to the purchase of the Colt property which started in 2002 and she finished it. He stated that the wastewater treatment plant has been sitting vacant for 14 years and the economic development director has now started the first step on what developers want to go in and how they do it and what will be done. She has moved forward in trying to get the library started and figure out what Pacifica wants. She has figured how to move money from benefits to salary and be more competitive when advertising for help. She hired an economic development manager through a long term sales process. She opened the first city FogFest booth which was well received. At the senior Crespi Center, she saved the city a \$1 million liability. They saved possibly \$8 million if that apartment house falls into the ocean by doing the mitigation now, adding that she was proactive in trying to reduce the liabilities for the city. He stated that she has also been asked to be a speaker for the City Managers conference, reached out and done a monthly column in the Pacifica Tribune which no other city manager has ever done. He stated that he came from the school board which was a well run, efficient organization and he came to the city. For as long as he was on the school board, everyone complained about the city, and this was the first time that he felt they had someone running the city and taking and steering them in the right direction. He stated that the next budget will have the beginning of the repayment plan for the \$4 million, adding that it takes time to turn a ship around. He concluded by saying that he supports the City Manager.

Councilmember Nihart moved to continue the meeting; seconded by Councilmember Ervin.

Mayor Digre asked Acting City Attorney Visick if he had a time certain.

Acting City Attorney Visick stated that he hoped that would come from Council but he could propose the resolution and they could push the meeting until midnight.

Councilmember Nihart amended the resolution to midnight; seconded by Councilmember Ervin.

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Mayor Digre called a short break then reconvened the meeting.

Councilmember Ervin appreciated Mayor pro Tem O'Neill's list as she felt it was really important. She didn't know how often people do get to hear what many of her accomplishments are. She stated that it reminds her of that glacier where you can see 5-10% of what goes on and the rest of it is under water. People do not know the everyday things that she does. She mentioned the transfer of the ERAF funds to one time use versus keeping them in the General Fund. She stated that, if it wasn't for doing that and making that recommendation, they would not have the \$400,00 or any money in their emergency fund to address this very immediate emergency they were facing with Esplanade, as well as being able to move forward with Palmetto. She thought that was one of the additional things that deserved to be mentioned.

Councilmember Nihart appreciated Mayor pro Tem O'Neill going through the list. She added that Supervisor Groom was incredibly impressed with the efforts that our City Manager made when the city had no legal standing on behalf of the residents of the Pacific Skies Estate in getting them some degree of compensation and some degree of relief. She stated that it was an amazing effort. She recognized that from a Coastal Commissioner. She also mentioned that other cities were recognizing her strength because she stepped in and helped with the evaluation of the executive for the City and County Association of Governments. They are getting to see her function in that capacity. She then referred to comments about severance and elections, stating that it was a common practice, particularly in city manager positions. When you have a position that was so directly linked to a political body that could easily take a different tact, there has to be some protection for that job and that was a common place to be. She also recalled that to let someone go without cause, there has to be something incredibly serious. She stated that the severance package was probably the least expensive piece of it. She stated that, the last time Pacifica did it several years ago, it cost the city a lot more money. She didn't think it was something that a Council does, but it needs to be there to protect people in terms of the changeover because of different Councils' thinking and added that it was the election law protection also.

Mayor Digre stated that she has been on the Council the longest, and she was now on manager #5. She thought, for a manager, it was very difficult as well as for a Councilmember. She mentioned what she had to live through when her first manager was accused of something. She stated that it was not pleasant. She liked him and it was very tough and extremely painful, convoluted, etc., while being legal. She liked all her managers, and the one she really liked recommended that they take the HR and finance person and put them together. She did not like that. She stated that Ms. Tinfow agreed and she separated that. She felt you need a strong finance. She stated that it was the manager who does that kind of hiring. She stated that Council cannot micro-manage management and you have to hope you have candidates and spend your money and time vetting the candidates. She stated that she has been on different Councils and acknowledged that they were all different but the same. She stated that she

would stand up for every Council she has been on, mentioning that many times, she was the only no vote on issues. She thought it was difficult for managers, as a manager and planning director have all kinds of ideas of what a city would be like and they have to deal with five of them who may not see the same thing. They have to be able to be on their toes and go with the flow. She mentioned not liking some things on Council, but she has a trust factor. She referred to Pacifica being a struggling city, and added that she commended residents who are also struggling. She commended the various Pacifica City Councils and stated that we are still a city and considered one of the most beautiful cities on the peninsula. She stated that we are finally getting tourist writers writing about us. We have a lot going for ourselves, and one of the biggest things besides our natural assets was the citizens. She applauded them for being present and not being afraid to say their piece, mentioning that they had opposite comments. She stated that the public enthusiasm and alertness was awesome. She stated that they may think she was the one who ran off with the \$4 million because she has been here the longest, and appreciated that she has lived through three recalls and apparently they don't believe that, then added that she did not do it. She stated that they looked very carefully and were strict with the employees on the different Councils. They heard that nobody believed that they were that tight on things and were tough with their union employees, not because they are mean or don't care but because they have a money problem. She also gave the employees credit because she thought they understood that they had to be tight. She works with a non-profit and they have lived on no increase for special needs individuals. She stated that she was in a good position but her fellow workers were struggling. She stated that it was hard not to have some small increase. Even though there was no money and the governor was not giving them anything, they work extra hard to be able to give some kind of increase. She stated that there was a risk all the time to vote yes and to vote no. She thought the hard times we have gone through in these economic times, in the world also, was the hardest ever. She stated that we needed a specialist who was good in finance, and had a record of getting things done, like the library, under budget and on time. She felt it was always a risk and when they vote for any of them, it was a risk. When they run for Council, it was a risk. She stated that you sometimes feel like running away, but you can't. She concluded that it was a risk well worth taking. She really didn't think they will go wrong. She thinks they are good, because she thinks they are smart. They understand that they rule and if they think any one of the Council or staff was going to get away with anything, they were kidding themselves. She stated that, in Pacifica, you wouldn't dare try anything. She stated that, as much as they may feel that something has gone wrong, they were right. She agreed there was something gone wrong, but she asked if it was culpable with people sneaky and hiding things. She stated that it was not going to happen. You would have to be a real fool to try to get away with anything in Pacifica. She applauded them for that and she again thanked them for being there at midnight. She stated that it gives her great comfort that whatever vote she takes, they will make sure that the city survives. As they go into the new year, she hopes that we will stick to our convictions, keep our skepticism, question everybody, make her nervous, but have the heart open and trust that together, being honest with each other, we can move forward. She feels that we can move forward. She asked the City Manager what she was thinking as a possibility of positiveness and she answered her. City Manager Tinfow brought up to staff the idea of looking at all of their neighborhoods and honing in on our individualism in our neighborhoods and our conglomerate community. She felt that was a winner because that was who we are. She stated that, if she was reading the community correctly, they have always loved our neighborhoods but have never made our own neighborhood more important than the entire city. She mentioned having people in culture and arts who are fantastic, and was now asking them to look at all that talent in music, art, theater, history, devotion to volunteerism, beautifying the city, taking care of people who are less fortunate than us, and pull it together with all of our natural assets and sports that bring in people, and work together to make this community who we really are and not going to finger

pointing, while keeping skepticism and questioning. She asked them to be who they are, stating that she considered all of us as leaders. She thought that the manager and her staff has to go with the flow. She stated that we needed finance experience, and she was comfortable with the finance. She feels that City Manager Tinfow also hired Asst. City Manager Hines who was very good. The City Manager has a team of employees who are working really hard, and while she hears the skepticism about staff, she has no problem with skepticism and asks that they not cut them off. She gave an example of a teacher getting a new and different group of students each year, and thought it would be horrible if the teacher wrote off some kids because they didn't seem to fit. She again asserted that we have made it a community, and this was our year. She urged them to have an open mind as they keep their skepticism, and let's work together. She stated that the severance package was only if they have to fire somebody, and they won't need to do that. She also liked to think that we will be more prosperous and our resources and revenues will be much better than they are, adding that it will need all of us or we will hobble along being super frugal because we can't do anything else. She acknowledged that she could be terribly wrong.

Mayor pro Tem O'Neill moved to adopt a resolution (attached) approving the Second Amendment to Employment Agreement between the City of Pacifica and Lorie Tinfow; seconded by Councilmember Ervin.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Mike O'Neill, Mayor Pro Tem
<b>SECONDER:</b>	Karen Ervin, Councilmember
<b>AYES:</b>	Digre, O'Neill, Ervin, Nihart
<b>NAYS:</b>	Keener

12. 2016 City Council Liaison and Committee Assignments  
**PROPOSED ACTION:** Update the City Council Liaison and Committee Assignments for 2016

Mayor pro Tem asked if anyone wanted a change.

City Clerk O'Connell presented a staff report.

Mayor Digre stated that she would like to see an alternate, mentioning the Emergency Preparedness and Safety Commission.

Councilmember Ervin stated that she would be happy to be the alternate.

Mayor Digre appreciated that, mentioning that she wasn't saying he was absent. She even thought it was not a bad idea to attend even if there was no need for an alternate.

Mayor pro Tem O'Neill stated that he would be interested in being the Economic Development Committee if one of the two wanted to get off.

Councilmember Ervin stated that she was only on it for a year and would like to continue.

Mayor Digre stated that they are on the Peninsula Clean Energy Advisory Committee.

Councilmember Keener stated that he would like to volunteer for that.

Councilmember Nihart pointed out that this was going to have to get updated three months in because all of her CCAG subcommittees will drop out when she was no longer chair in April.

Mayor Digre stated that Councilmember Keener will be on the Peninsula Clean Energy Advisory Commission and an alternate was Councilmember Nihart.

Councilmember Ervin asked how they were going forward with the Library Advisory.

City Clerk O'Connell stated that they have to recruit for that.

Councilmember Ervin stated that she was talking about the Councilmembers.

City Manager Tinfow stated that they have the choice of continuing, currently Mayor pro Tem O'Neill and Councilmember Ervin, in the new committee. She stated that she was assuming it would still be the two of them.

Councilmember Ervin stated she would like that.

Mayor Digre thought that would be valuable.

Mayor pro Tem O'Neill stated that there should be one correction, mentioning that he lost the Congestion Management. He stated that it should be O'Neill/Keener. He was not an alternate but a member.

Mayor Digre mentioned that he was also for the JPA for the fire. She asked if it was listed as both of them.

Mayor pro Tem O'Neill responded affirmatively.

Mayor Digre stated that they had an alternate, and she preferred alternates, mentioning if two are supposed to be on the Congestion Management.

Councilmember Nihart stated that you can't have an alternate for that because those are voted on committees.

Mayor Digre asked the City Clerk if all the slots are filled.

City Clerk O'Connell stated that what they haven't mentioned will stay the same.

Councilmember Nihart stated that one thing that never got on the list was ABAG Executive Board.

Mayor Pro Tem O'Neill stated that it was.

Councilmember Nihart stated that she saw it.

Mayor Digre asked if they needed a motion.

Acting City Attorney Visick stated that it would be preferable to have a motion.

Mayor pro Tem O'Neill moved to update the City Council liaison and committee assignments for 2016; seconded by Councilmember Ervin.

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

**ADJOURN**

Mayor Digre adjourned the meeting at 11:30 p.m., in honor of two Pacificans, Jason Gilbraith, and Cindy Bradshaw.

Councilmember Nihart asked the City Clerk if the Redevelopment successor agency was on the list.

City Clerk O'Connell stated that it was Councilmember Nihart but that has not been on the list.

Mayor Digre thought it should be.

City Clerk O'Connell stated that they can add it and bring it back.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED:

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Sue Digre, Mayor