



**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

**November 28, 2016 (MONDAY)**

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

Mayor Sue Digre called the meeting to order on November 28, 2016 at 7:00 PM

**CLOSED SESSION - NONE.**

**7:00 PM OPEN SESSION**

Call to Order

Mayor Digre 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; Michelle Kenyon, City Attorney; Lorenzo Hines, Asst. City Manager; Van Ocampo, Public Works Director; Tina Wehrmeister, Planning Director; Dan Steidle, Police Chief; Rich Johnson, Deputy Fire Chief; Mike Culley, Building Official; Mike Perez, PB&R Director; Ed Vandehey, MIS Manager; Kathy O'Connell, City Clerk.

Salute to the Flag led by Mayor Pro Tem O'Neill

Closed Session Report

None.

**SPECIAL PRESENTATIONS**

Beautification Advisory Committee - Mayors' Beautification Awards

Public Works Dir. Ocampo introduced Chair David Martinez of the Beautification Advisory Committee who would make the presentation of the Beautification awards.

**Chair Martinez** thanked Maryanne Nihart for organizing the Beautification Committee. He also thanked outgoing Councilmember Ervin for her hard work on the BAC. He introduced his Co-

Chair Pattie Hontalas who will help give out the awards. He then proceeded to give the awards to all recipients, commercial and residential. Following the awards, he thanked the members of the Beautification Advisory Committee, mentioning them by name.

Mayor Digre asked recipients to gather for a group picture. She then thanked the Beautification Committee, Awards Committee as well as the recipients.

Councilmember Nihart congratulated the winners and thanked the Committee and awards committee, adding that everyone who won was part of what they need to do all over the community. She appreciated that they got what they started three years ago.

Mayor Digre thanked Councilmember Nihart.

Councilmember Ervin thanked everyone who took so much care for their residences and businesses, which makes a huge difference in the community. She also thanked the Advisory Committee for all their work.

Mayor pro Tem O'Neill echoed what was said, adding his congratulations and appreciation for doing it.

### **CONSENT CALENDAR**

Councilmember Keener stated that he wants to pull Item #6.

Councilmember Nihart thanked the person who put the educational material on bacteria, adding that she knows a lot as a nurse but learned more in terms of pollution.

Mayor Digre stated that she had a lot of questions on item #5 and got great answers, adding that she will follow through on some of those things, to make sure that everyone is a law abiding person. She stated that our creeks were important.

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

1. Approval of Disbursements for 11/01/16 through 11/15/16  
**PROPOSED ACTION:** Move to approve attached list of disbursements for 11/01/16 through 11/15/16.
2. Approval of Minutes  
**PROPOSED ACTION:** Move to approve the minutes of the regular City Council meeting held on November 14, 2016.
3. Cancellation of December 26, 2016 City Council Meeting  
**PROPOSED ACTION:** Move to approve cancellation of the December 26, 2016 regular City Council meeting.
4. Side Letter to the MOU with San Mateo County Fire Fighters IAFF 2400  
**PROPOSED ACTION:** Move to approve the Side Letter to the current MOU with San

Mateo County Fire Fighters, IAFF 2400

5. Approval of Inter-Agency Agreement with the San Mateo County Resource Conservation District for Pacifica State Beach Bacteria Total Maximum Daily Load Monitoring Services, and Approval of Agreement with San Mateo County for Reimbursement of One Quarter of the Monitoring Costs.  
**PROPOSED ACTION:** Move to approve Inter-Agency Agreement with the San Mateo County Resource Conservation District (Attachment 1) in the Amount of \$133,494.00; Approve Agreement with San Mateo County for the reimbursement of one quarter of the monitoring and reporting costs up to a maximum of \$33,374 (Attachment 2); and Authorize the City Manager to execute both agreements.
  
6. Consideration and Adoption of Resolution Approving Third Amendment to Employment Agreement Between City of Pacifica and Lorie Tinfow  
**PROPOSED ACTION:** Move to Adopt a Resolution Approving the Third Amendment to Employment Agreement Between the City of Pacifica and Lorie Tinfow.

Item #6

Councilmember Keener stated that he didn't have anything to say.

Mayor Digre concluded that they were just going to call for a vote.

4-1

7. Adoption of a Resolution of the City Council of Pacifica Approving the Lease Agreement Between the City of Pacifica and Paul and Amy Kukielka, Dba Chit Chat Café for the Premises Located at 2100 Beach Boulevard (Located at the Pacifica Pier).  
**PROPOSED ACTION:** Move to adopt the resolution and authorize the City Manager to execute the lease agreement between the City of Pacifica and Paul and Amy Kukielka, dba Chit Chat Café.

### **ORAL COMMUNICATIONS**

**Ron Maykel, Pacifica**, stated that November is Native American Heritage Month, adding that at one time Pacifica had two Ohlone village sites, one where Sanchez Adobe is and the other in the vicinity of where the wastewater treatment plant was. He stated that there was a major artifact site when they started to build the wastewater treatment plant, as well as artifacts along the highway and behind the school district building along Calera Creek. He stated that redwood trees were native to America, California and especially the Bay Area, and he had some handouts with information on the redwoods for Council and the City Manager.

Mayor Digre thanked him for the history.

**Kelly Bogdanov, Pacifica**, thanked Council for their unanimous decision on October 10 to continue to protect the infrastructure along Beach Blvd. And to pursue grant funding for the replacement of the seawall. She appreciated the consistency of Councilmembers O'Neill and

Ervin in their support of West Sharp Park, before, during and after El Nino and the time spent to improve their neighborhood. She stated that the mayor's comments at the October meeting regarding the interconnection of Pacifica's infrastructure were eye opening to her and she appreciated her efforts to unify Pacifica. She thanked Councilmember Keener for stating that they have to replace the retaining wall with a new seawall and his support to seek federal funding to make it happen. She expressed her appreciation to Councilmember Nihart when she reached out to them after they were battered by El Nino last winter. She stated that she wouldn't have been involved in this issue if not for her leadership. She was grateful for what she has done for West Sharp Park and Pacifica. She thanked city staff, including the City Manager and Public Works Director, for the work they have done to place the issues before Council and public, and she is impressed by their professionalism and she was thankful that they have chosen to serve Pacifica. She acknowledged the many steps required for a new seawall to become a reality, but despite differences and views, the city can come together on this issue.

**Clifford Lawrence, Pacifica**, stated he was present to address the proposed development on the 4000 block of Palmetto. He stated that the concerns mentioned was the loss of the natural vista, traffic and parking, but he was mostly concerned about the key problem which was the ravine on the ocean side of Palmetto. He referred to people saying it was stable, and he thought it has been stable because no one has disturbed the ground on the other side for nearly 100 years, since the Ocean Shore Railroad. He stated that they put in a land bridge and a drainage pipe. He was told that two ends of that pipe aren't connected, and nature has found a way to provide a drainage. He stated that no one knows how it works because no one has done a hydrological study. He stated that, if we start moving ground, nature will change its design, and it could be favorable or not, with the worst downside being a creation of a new outlet from the Fish Bowl underneath Palmetto and start eroding the ground at the back of the ravine and hasten the demise of the cliff and sand dunes. He felt it was more than just four apartments. He didn't know if anyone was surprised that the Coastal Commission reversed its 100 foot buffer to a 50 foot buffer, adding that he was concerned by that. He asked that they look at this and they will send it someplace without approval. He thought the latest design was not in their beautification efforts.

**Ellen Ron, Pacifica**, stated that she was the president of the Pacifica Library Foundation. She mentioned that the election was over, results in and Pacifica voters said yes to a new library, but as a super majority of two-thirds was needed, Measure N came up short. She stated that what happens next is up to the Council. She was present to urge Council to continue supporting a new library for Pacifica. She stated that there was work to be done, questions to be answered, concerns to be addressed and a plan to be developed. She stated that Pacifica needs a new library and Pacificans want a new library. She stated that they need Council to keep pushing forward to make it happen. She thanked Councilmembers Ervin and Nihart for their longstanding encouragement and unwavering support for this project. She wished them luck as they move on to new challenges. She also thanked City Manager Tinfow, Planning Director Wehrmeister and their staffs for their hard work that brought the library measure to the voters. She stated that the work continues and they are there to support staff. She stated that at this time, libraries are more vital than ever, safe places where everyone is welcome, knowledge trumps ignorance and communities come together. She felt our city deserves a great library and she asked that they get it done.

Mayor Digre thanked her for all her hard work.

## **COUNCIL COMMUNICATIONS**

Councilmember Nihart stated that there wasn't much that happened during this time. She stated that she has moved on. She just got elected to the governing board for the nursing alliance of organizations.

Councilmember Ervin hoped everyone had a wonderful Thanksgiving holiday, which was a special time when we are all with our family. She sent her thought to So. San Francisco police officer John who was severely hurt in an attack and extended her thoughts and condolences to the City Manager who lost her father. She stated that, during these times, it was important to be there for each other.

Mayor Digre also extended her condolences to the City Manager and her family, adding that it was always difficult to lose a family member but a blessing that they can be together. She stated that she attended her son's graduation in Connecticut. She stated that the San Francisco airport issues are constantly following her, moving forward inch by inch. They aren't at a happy place, but there has been a lot of hard work done, and they haven't given up on the health issues. She was holding out for the San Francisco airport Roundtable legislative subcommittee to meet in December and January to see if they have options. She stated that she has been asking her city manager and sending her things from San Francisco Roundtable and the committee from the South County, as well as information that numerous, very educated, alert residents in Pacifica have been providing regarding what was going on, not only here but in the United States and the world. She and residents are looking for information they can give to Council as they are frustrated with the lack of progress.

City Attorney Kenyon stated that she needs more direction on what they were looking for her to provide to Council.

Mayor Digre assumed that every Councilmember, present and future, would want to look into what options would be reasonable for City Council to do. She added that she has informed all of them about the legislative subcommittee and what it can hopefully do. She was not in favor of lawsuits, as they can slow us down.

City Attorney Kenyon stated that she was hearing that she would like to place an item related to noise related issues with the San Francisco Airport. She added that they can do that and it will give staff a better idea of what direction Council wants to give them.

Mayor Digre stated that she will be compiling some thoughts of her own based on what she has been hearing and learning and make it available to Council and Pacificans and she can add it into whatever action Council wants to take. She thought either Council will be open to this, and keeping an accurate account with everything. She asked if it made sense, this Council has a right to say something at the next Council meeting in December and she was asking that it be on the agenda. She stated that she will provide a proposed letter and suggested questions. She asked if she was making sense.

City Manager Tinfow stated that what she said at the end was helpful. She felt the letter from her and questions for the Council to consider could be brought back for the Council.

Mayor Digre hoped to put a lot of information together to be available.

Councilmember Nihart stated that she would like to know where they left off with the Roundtable, adding that they have a place for all cities to participate, but she wanted to know what their action was.

Mayor Digre stated that they can have a copy of the letter that came out from the meeting. She thought it was on the city's website.

City Clerk O'Connell stated that she was not sure but she could check and get back to her. Mayor Digre stated that she can resend it if necessary. She stated that she will know more by the end of the week about the San Francisco Roundtable legislative subcommittee, adding that it was agreed upon in July, and they have gone through the motions of finishing the response to the legislator of the FAA initiative and that should be on the website. She stated that the legislative subcommittee was to take up other potential actions they could take beside the response to the FAA initiative.

Mayor pro Tem O'Neill stated that he would prefer to have the agenda item in January since it will be an ongoing problem with the new Council because it will be their bailiwick. He stated Phoenix, Denver and New York have all filed lawsuits against NextGen and he would like to know where they are and whether they have had success. He stated that, in San Francisco, an entire neighborhood filed in small claims court, up to \$5,000, and it was successful against the drug dealers. He stated this was obviously a bigger issue, but he asked if it was possible for the city to facilitate people coming in and filing small claims in courts against the airport, adding that this has been tried for other types. He stated that the FAA came out with a list of what they would look at and be willing to talk about, but he would appreciate seeing the list and the response from the Airport Roundtable.

Mayor Digre didn't know why he didn't have that.

Mayor pro Tem O'Neill stated that she was the liaison and she should supply it.

Mayor Digre stated that she thought she sent it and didn't know what happened.

Mayor pro Tem O'Neill stated that he didn't get it and would like to see it.

Mayor Digre stated that was the bandwidth of the type of things being discussed. She stated that she sent an update because residents have been really alert and there was an update for the lawsuits for Heathrow. She stated that they had Veteran's Day, adding her thanks to the veterans for all they do.

## **STAFF COMMUNICATIONS**

City Manager Tinfow stated that she didn't have anything specific to share, but she wanted to circle back to the Mayor's request at the previous meeting for an update on the work they were doing in installing the equipment to manage the traffic on Highway 1, with new technology. She stated that this was started in the summer of 2015, adding that at that time present Mayor Digre and then Mayor Ervin sat in at a meeting with staff and the company providing the technology. She stated that, at that time, they talked to CalTrans as it would be their signals that would need to be adjusted for this equipment to be tied into it. She stated that they have also talked to the Transportation Authority as a potential funding source for the equipment. She reiterated that it has been going on since the summer of 2015, and stated that they were making slow progress. She stated that they expected to bring to Council something more formal and informational in

possibly the second meeting in January. She stated that, while Council knows, she wanted the public to know this work had been going on and they should see something coming forward in January.

Mayor Digre thanked her and added that Dan McElhinney of Dept. Of Transportation would be helpful.

Councilmember Keener asked that she clarify what was meant by work.

City Manager Tinfow stated that they have been working to come to an agreement with CalTrans to allow this equipment to be housed in their cabinets and working with the Transportation Authority on possible funding agreements. She stated that none of it has been confirmed, which was why she can't offer more information, but the work had been going on in the background.

## **PUBLIC HEARINGS**

8. Introduction of Ordinances to Adopt the 2016 Edition of California Building Standards Code with Local Amendments, Update to the Storm Water Management and Discharge Control Ordinance, and Amend Section 6-13.603(B) of Title 6, Chapter 13 of the Pacifica Municipal Code Related to Requirements for Sewer Later Compliance Certificates.

### **PROPOSED ACTION:**

1. Move to introduce and waive the first reading of an Ordinance of the City Council of the City of Pacifica repealing and re-enacting portions of Title 8 of the Pacifica Municipal Code related to Building Regulations, and repealing and re-enacting Title 4, Chapter 3, Article 1 of the Pacifica Municipal Code related to the Fire Code as shown in Attachment A to the staff report.
2. Move to introduce and waive the first reading of an Ordinance of the City Council of the City of Pacifica repealing and re-enacting, as amended, Title 6, Chapter 12 of the Pacifica Municipal Code related to Storm Water Management and Discharge Control as shown in Attachment B to the staff report.
3. Move to introduce and waive the first reading of an Ordinance of the City Council of the City of Pacifica amending Section 6-13.603(b) of Title 6, Chapter 13 related to when a sewer later compliance certificate is required during construction or remodeling as shown in Attachment C to the staff report.

Planning Director Wehrmeister introduced several colleagues, Building Official Mike Culley, Deputy Fire Chief Rich Johnson and Public Works Director Van Ocampo, and stated they would be available for questions, and she then presented the staff report.

Mayor Digre thanked her for the thoroughness of the report.

Mayor pro Tem O'Neill commented that the ordinance was misspelled, stating that "later" should be "lateral". He then asked if they need to define improvements, giving an example of putting solar and new windows to be environmentally friendly. He understood that sewer lateral was part of that, but he then referred to another \$7,000-\$10,000 on top of that to do the sewer

lateral. He asked if they were being counterproductive and owners won't do some of the others because they don't want to do the sewer lateral. He asked if he was making sense.

Planning Director Wehrmeister agreed that he was making sense. She understood his question because some of those improvements may not be within the trade of the people they hire to do the improvements. She stated that the intent was to eventually get all the laterals in the city inspected and repaired, because of the cease and desist order. She understood his question but believed the intent that, if you are spending \$50,000 in home improvements, this was something that the city and regional water quality control board needed to check to ensure that their sewer laterals were in compliance.

Mayor pro Tem O'Neill understood the intent, and he wasn't exactly against it. He added that, if it keeps flushing everybody was happy. He stated that, while they see a benefit to the solar panels or windows are warmer and they are saving, but he thought the average person doesn't see the sewer laterals as helping them because it was working fine in most cases. He stated that his concern was whether they were putting a disincentive. He asked if there was a PACE program that the regional water board came out with for sewer laterals. He asked, if there are government agencies telling them they have to do this, whether they were offering something to homeowners to get it done relatively inexpensively. He asked, if the individual homeowner would save money if an entire block does it and whether the city could help facilitate.

Planning Director Wehrmeister stated that she was more familiar with PACE programs, and she didn't think this would be a qualified expense, adding that, for any possible funding help, she would have to ask Public Works Dir. Ocampo to answer that.

Mayor pro Tem O'Neill stated that he just used that as an example of what was out there for energy efficiency, and asked if there was a program for sewer laterals.

Commissioner Nihart stated that they have SEP.

Public Works Dir. Ocampo referred to Mayor pro Tem O'Neill's question, stating that he was not aware of any grant program, but they have the SEP which was part of the cease and desist order. He stated that they set aside \$50,000 each year and it subsidizes \$1,000 for replacement of a sewer lateral which was in the vicinity of \$5,000-\$6,000 per lateral, referring to his report to Council on that. He stated that they were close to having 50 homes already avail of the SEP money. He stated that the issue of leaking sewers was an environmental issue and has to be addressed, regardless if they want to put in an addition or not. He stated that it was the responsibility of homeowners to ensure that the sewer or what they are doing at home does not hurt the environment. He referred to someone putting in a sewer panel, and stated that the incentive was the cost savings for them, as in a cut in electricity costs. He stated that the incentive was the cost savings, He stated that was the only thing he could offer.

Commissioner Nihart referred to the sewer laterals, stating that we sometimes get far away from some of the history of what happened and why they were doing some of the things they are doing. She stated that, in this case, the consent decree happened because of a discharge. She stated that, if you don't think I&I are the inflow, the leakage into our system was significant, going from 3-4 million gallons per day to over 20 million gallons a day in the horrible storm season when they had a planned release of partially treated sewer. She stated that they did everything right in terms of what they were supposed to do at the time, and they hit at the beginning of mandated fines per gallon. She stated that you could have a raw sewer flow of 500 gallons and get a smaller fine for much more biological contaminants to the environment

than what they released. She mentioned that, at the wastewater treatment plant, they had one sequencing batch reactor down that winter and, during that time, they had to pump out and each one should be able individually to handle the city in a dry season, but in the wet season, they were using all four and needed the fifth. She stated that it was a horrible confluence of events, and they would have flooded the plant with another storm coming in and they had to do the release. She further explained what they negotiated for some of the fines to be given back as a SEP and that was what has funded their sewer lateral programs. She stated that, while there was no funding per se, the inflow into the system was so great that they have to do a number of things and approaches, so mains and houses were a dent where they need to go. She stated that, when you are making these kind of cutoffs, the public wants to have something that says how these are related. She assumes, at \$50,000 as a cutoff, they were thinking that something related to the sewer system will happen during that time in some way.

Planning Director Wehrmeister clarified that the \$50,000 was already in the ordinance and the only thing they were asking the Council to clarify was that it was a rolling 12-month period, not just if you come in with a \$30,000 project in December and \$20,000 in January, or you split them, that you are not using this potential loophole.

Councilmember Nihart stated that she understood what they were doing and she was into that history, but she stated that part of her agrees that, if they want people to do solar or insulation, they add up significantly and yet didn't contribute in any way. She stated that maybe they wanted to do the solar, but they did the kitchen remodel and it put them over. She understood that it ties in closely. She stated that she knows they get their national pollutant discharge together in the county, and that was handled through CCAG, but she read the things that were exempt and she was curious about the dechlorinated swimming pool. She stated that it made her wonder that, if that was an exemption, most people are dechlorinating these and she asked where they were supposed to go.

Public Works Dir. Ocampo stated that the dechlorinated ones have to go to the sewer but it has its effect on the plant. He stated that, if you have a tremendous amount of gallons coming in to the plant, you can dechlorinate them and, once they are no longer dechlorinated, they can be discharged into the storm drain system.

Councilmember Nihart asked if they do that with a tablet.

Public Works Dir. Ocampo stated that he can get back to her on what the different methods are to do that.

Councilmember Keener asked how long a certificate for a repaired sewer lateral good for.

Public Works Dir. Ocampo stated that he didn't have the actual late time, adding that, as long as you have that, it means that your sewer is new. He stated that it was good for at least a couple of years from the time that you have the work done, if the inspections were done and there was nothing found, but if they replace their sewer lateral, that new sewer lateral was good for quite a number of years.

Councilmember Keener asked if they could get back to Council with the exact number of years.

Public Works Dir. Ocampo was 90% sure it was two years, but he stated that he will get back to them on that. He added that there were still six slots left in the SEP program. He stated that, if

there was a homeowner thinking of replacing the sewer line, there was a certain criteria for qualifying for those six slots.

Councilmember Keener asked how much does a solar voltaic installation run.

Building Inspector Culley stated that the evaluation could run anywhere from \$10,000 to \$15,000.

Councilmember Keener concluded that alone would not put you over the \$50,000 but you would need additional work.

Councilmember Nihart added that, when you put them in, you often find you have to redo the roof, new shingles, and she thought that was more than \$15,000.

Mayor pro Tem O'Neill stated that he thought, for real estate point of sale, the permit was good for 20 years, and he asked if he was correct or wrong about that.

Public Works Dir. Ocampo stated that he was checking on that, but he thought he was talking about if the sewer has been replaced. He stated that the way he understood Councilmember Keener's question was, if someone had inspected the line and they find nothing there, how long was the certificate good for. He felt there was a difference. He stated that, if you replaced your sewer, the newly constructed sewer has a longer life compared to one that you looked into this year, especially if using clay or orange berg system.

Councilmember Keener agreed that was what he was asking about.

Public Works Dir. Ocampo stated that was why he gave him two years. He stated that, if you are a homeowner and you have your sewer lined today and you are given a certificate, you have two year's life, but if you totally replace your sewer, with the newly constructed lateral, that can go a long way. He stated that was what he was trying to confirm.

Mayor pro Tem O'Neill stated that another concern he has is that they were almost encouraging non-permitted work. He stated that, if they are putting up a second story, it was obvious, but remodeling the kitchen, putting in another bedroom in or bathrooms require permits, and they might not get permits and they could have it not be in the building code. He stated that he has talked to the City Manager about contractors coming in for a \$500 window, they were paying \$180 in permits to the city. He was concerned that they may get some unsafe structures and sub par non-permitted work with something like this.

Planning Director Wehrmeister stated that staff's recommendation was because they wanted to put this in front of Council to make sure that the way the code was read and implemented meets their direction. She stated that this ordinance was not part of the building code and it doesn't have to be adopted but can keep it the way it is. She stated that it was not part of the tri-annual update and, if Council was fine the way it was written, they can not introduce the third item under staff recommendations.

Councilmember Nihart asked if it was required in any way by the consent decree.

Planning Director Wehrmeister stated that she would have Public Works Dir. Ocampo confirm this, but she understood that the current code is in conformance.

Public Works Dir. Ocampo stated that he has the answer. He explained that, if you replace your sewer and are given the certificate of compliance, that was good for 20 years as you have a very new sewer lateral. He added that, if you have a video taken of the existing condition of your sewer and there is nothing wrong with it and it passes, the certificate of compliance is valid for seven years.

Mayor pro Tem O'Neill asked how this would be enforced. If a person comes in and wants to start the work, with the contractor lined up, he asked if they would withhold the permit for the sewer lateral to be done before this or are they going to inform them and trust that they are going to do it after they finish the other remodeling. He also asked how they are going to tell people, if they are getting a loan to do a room addition, that they need to get another \$10,000 to do the sewer lateral.

Planning Director Wehrmeister stated that, the way it was currently implemented, if a project comes in with an evaluation of over \$50,000, it was referred to the treatment plant and they likely have part of the permit review to do and they check the records. If there has been a recent compliance certificate, they let the building division know that it was fine to issue. If they don't, they request an inspection and, if it needs to be repaired or replaced, they need to incorporate that into their project. She stated that the only thing that would change if Council adopts this amendment was that they would utilize their permit tracking software to take a look at the permits pulled in the last 12 months, adding that there would be no change in implementation.

Mayor pro Tem O'Neill stated that he understood why they want to make the sewer lateral a requirement because 1-3% of the houses turn over in Pacifica, but it was never going to get done unless they do something like this, but he was sympathetic to the homeowner as to how are they going to know that they need to do this. He stated that, if they are getting their refinancing now with low interest rates to put an addition, he was concerned about how they are going to inform the homeowner or educate contractors to know this was another city requirement. He asked if other cities were doing this \$50,000 over 12 months.

Planning Director Wehrmeister stated that they were not, adding that this has everything to do specifically with Pacifica's cease and desist order and contractors already know that, if over \$50,000, this was part of the permit requirement in Pacifica.

Mayor pro Tem O'Neill stated that, with Save the Bay in Burlingame and San Bruno, they have had consent decrees as he thought they were all trying to do their sewer plants. He asked if they have the same requirements for sewer laterals for a certain number of remodels.

Planning Director Wehrmeister didn't know if they were all standardized.

Mayor pro Tem O'Neill assumed that they got a consent decree.

City Attorney Kenyon stated that they will find certain consistent conditions in these consent decrees and will also find requirements specific to the jurisdiction that is being issued the consent decree. She stated that she didn't know if it was the same as what they are doing in San Bruno and Burlingame, but she thought it was likely that a condition like this was specific to Pacifica.

Councilmember Ervin thought the most important point was that the \$50,000 limit that causes someone to have to get their lateral fixed has been in place. She asked how long it has been in place.

Planning Director Wehrmeister stated that she did not have that date.

Public Works Dir. Ocampo thought it was about five years.

Councilmember Ervin asked if they had any idea how many more houses have to get their sewer laterals replaced, referring to about 14,000.

Public Works Dir. Ocampo stated that it was difficult to come up with a guess, because it depends on the condition of the existing lateral.

Councilmember Ervin concluded that they don't know how many houses.

Public Works Dir. Ocampo stated that there were other factors, such as trees with roots that may infiltrate.

Councilmember Ervin stated that, as a homeowner, she understood how difficult and frustrating it was when you want to put in a new kitchen and everybody notices when you have to fix a sewer lateral or a dry rot on the side of their house. She had to do that this year, and it was no fun, but she thought a sewer lateral was a more significant threat to the safety and welfare of Pacifica than getting a kitchen done. She felt they have to do this even though, as individuals, they don't necessarily feel the pain by not doing it. She felt they need to have the push by the community to make you do the things that aren't going to impact you as much as the city as a whole. She felt it was imperative that they take care of the sewer laterals. She was sorry for the individuals that have to cover the costs, but she thinks it was an essential part of home ownership and she would be supportive of the change and continuing at least with what they currently have.

Mayor pro Tem O'Neill asked how condos and townhouses are handled. He asked, if they come in for a project which covers 40 units, whether they would be required to get their sewer lateral. He thought that, if a townhouse is for sale, the homeowners association usually takes care of the lateral.

Public Works Dir. Ocampo stated that it depends on who is being served by the lateral. He stated that there are complexes where, depending on how it was constructed, they have one main if it was a conversion from an apartment to a townhouse. He stated that, if there is a remodel, the lateral that serves that property is the one that gets inspected. He added that he views this as the responsibility of the property owner, because they are trying to protect the environment and the future of our children, and the little investment that they have goes a long way, particularly because, if they are talking about contamination of the ground, it was harder to clean if it was already widespread. He stated that it was better for them to control it. He explained that it was not just the infiltration of non-sewer water and the effects on the plant, but more like the effects on the environment as it leaks out, and that was what they were trying to address.

Councilmember Nihart stated that Councilmember Ervin made the correct point that all they are talking about was the difference between \$50,000 currently versus a rolling \$50,000. She didn't think any Councilmember disagrees with the fact that they have to do this as it was

important for the environment and what they were doing in Pacifica, as well as for homeowners. She stated that they were only talking about the difference of a year or 12-month period that cannot be split up. She stated that she was willing to entertain the idea that it might impair, but she agrees that they need to get this going.

Mayor pro Tem O'Neill agreed that, if you just have point of sale, some houses haven't changed out of the family for 60 years and he could see why it was needed. He was only concerned about the implementation with some sort of fairness. He stated that, in 2008, the family lost their jobs and house and had to move into a Linda Mar rancher and they have to have a second bathroom or bedroom and this was another \$7,000 they weren't expecting. He was looking at that and a concern about how it would be enforced. He thought that the \$50,000 over a 12-month period did make sense and he agreed that the goal was nothing to complain about.

Deputy Fire Chief Johnson stated that he wanted to make one correction on the staff report. He stated that, on page 325 in the packet, the third line from the bottom should read "2016" fire code, not "20163".

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

Mayor Digre stated that they were talking about sewage which was quite different from solar and she appreciated the thorough report.

Councilmember Nihart asked if they have to take three votes.

City Attorney Kenyon thought they should do them one at a time.

Mayor pro Tem O'Neill moved to introduce and waive the first reading of an Ordinance of the City Council of the City of Pacifica repealing and reenacting portions of Title 8 of the Pacifica Municipal Code related to Building Regulations, and repealing and reenacting Title 4, Chapter 3, article 1 of the Pacifica Municipal Code related to the Fire code as shown in Attachment A to the staff report; seconded by Councilmember Ervin.

5-0

Mayor pro Tem O'Neill moved to introduce and waive the first reading of an Ordinance of the City Council of the City of Pacifica repealing and reenacting, as amended, Title 6, Chapter 12, of the Pacifica Municipal Code related to Storm Water Management and Discharge Control as shown in Attachment B to the staff report; seconded by Councilmember Ervin.

5-0

Mayor pro Tem O'Neill moved to introduce and waive the first reading of an Ordinance of the City Council of the City of Pacifica amending Section 6-13.603(b) of Title 6, Chapter 13, related to when a sewer lateral compliance certificate is required during construction or remodeling as shown in Attachment C to the staff report as amended; seconded by Councilmember Ervin.

5-0

<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

## **CONSIDERATION**

### **9. Report on July 4, 2016 Activities**

**PROPOSED ACTION:** Move to accept the final report regarding July 4, 2016 activities.

Police Chief Steidle presented the staff report.

Mayor pro Tem O'Neill understood they keep track of the July 4 firework calls and asked if there was any tracking system at all for after July 4 for the number of calls for illegal fireworks they get.

Police Chief Steidle stated that he doesn't usually attach that to the graph. He stated that they can get that information.

Mayor pro Tem O'Neill asked if it was simple and not hours.

Police Chief Steidle confirmed that it was very simple.

Mayor pro Tem O'Neill stated that, as he was the liaison for the fireworks task force, he thought that would be a good thing to look at. He asked if they can do it be geography or only gross of the city.

Police Chief Steidle stated that the easiest way to do it was by gross of the city, adding that, no pun intended, they have heat maps with their current system and he can print out a heat map that would show the task force where the major areas of the calls are coming from.

Mayor pro Tem O'Neill concluded it was like a scatter gram type of thing.

Police Chief Steidle responded affirmatively.

Mayor pro Tem O'Neill thought that would be helpful for the task force as they will know where they are talking about the numbers, asking further if he could differentiate it between midnight and 5 p.m. and then 5 p.m. to midnight to see if one time of the day was worse than others, adding that he didn't want them to spend hours on it.

Police Chief Steidle stated that they can do it, and the records management system they have makes it very easy.

Councilmember Ervin thanked him for the presentation. She found it helpful to hear about the numbers and trends. She asked if he felt that the increase in number of calls over the years was a decrease in the tolerance people have for illegal fireworks or an actual increase in the number of illegal fireworks they are seeing.

Police Chief Steidle thought it might be a combination of both, but his best educated guess would be a decrease in tolerance. He stated that there are some years that he can say it was

worse than it was this year. He stated that he has been working July 4 at night with everyone else and he thought it was bad but not as bad.

Councilmember Ervin agreed, stated that people are getting less patient with some of the chaos going on during the 4<sup>th</sup> of July. She thought it would be interesting to see the trends in the next coming years.

Councilmember Nihart asked if he could go back to the slide with the number of calls. She then asked, on looking at it from 2012, when they implemented the \$1,000.

Police Chief Steidle thought it was 2013 or 2012.

Councilmember Nihart thought that was the time. She stated that she was pointing out that it was not a huge increase. She stated that 2014 was bad and the calls were about the same, but increasing at other times. She asked if he thinks the social host approach and likelihood of educating the public about the potential increased effectiveness of calls might impact these numbers. She asked if he was prepared for another increase. She thought they might get one.

Police Chief Steidle agreed, adding that in educating the public, their expectations are going to rise. He stated that was the flip side where it becomes more difficult. They will educate the public and they will expect it and calling more. He stated that, if they can balance that with having a social host ordinance to be able to show that they were able to take more enforcement action, that might be the start of something.

Councilmember Nihart thought they need to bump the \$1,000 fine.

Mayor Digre referred to the 176, and asked if that included the 113.

Police Chief Steidle responded affirmatively, adding that it was all calls of all types in the entire 24-hour period.

Mayor Digre thought it might help if they record whether the 4<sup>th</sup> of July was on a week day or weekend, adding that they noted that once before. She stated that this coming year, it will be on a Tuesday and might not be as bad. She asked if the 8% they have been charging was charging the companies every since they had their first task force.

Police Chief Steidle stated they have not been charging that since the inception, but thought it was 2008 when they started that.

Mayor Digre stated that she was getting at the fact that they haven't changed that amount.

Councilmember Nihart asked if that came from the task force.

Mayor pro Tem O'Neill stated it was not from his task force.

Mayor Digre stated that it was the first task force. She thought they had talked about that, adding that apparently, if they raise that, they charge the non-profits more.

Police Chief Steidle stated that, if they raise that percentage, it was going to take away from the non-profits.

Mayor Digre concluded that they are out \$441.

Police Chief Steidle stated that, if she was talking about the difference, it was about that amount.

Mayor Digre agreed that it was not a huge amount. She didn't know if he would know this, but she noticed that the Youth in Action did not choose to sell and she asked if the girl's softball team actually lost money.

Police Chief Steidle stated that he didn't know which document she was looking at.

Mayor Digre stated that it was the chart on packet page 255.

Police Chief Steidle asked if she was referring to the 2016 financial report.

Mayor Digre responded affirmatively.

Police Chief Steidle wasn't sure what the reason was for no revenue received for the girl's softball. He thought it would be an answer from finance.

Mayor Digre stated that there was a number there, and that was why she was asking if they lost it.

Police Chief Steidle stated that he was uncertain why there was a number placed in there.

Mayor Digre thought it was not pertinent, then she asked if the vegetation and structure fires were not related to fireworks.

Police Chief Steidle stated that he would have Deputy Fire Chief Johnson answer the exact origin of the fires.

Mayor Digre thought the heat map information would be really good to know.

Police Chief Steidle agreed, adding that it gives a good visual as to what was going on, stating that they use it for crime trends as well.

Deputy Fire Chief Johnson stated that the incidents Chief Steidle reported were all related to fireworks.

Mayor Digre asked how they were doing in getting people for the fireworks committee.

Police Chief Steidle stated that, the last he heard, they had four.

City Clerk O'Connell confirmed that they have received four applications.

Mayor Digre asked when the deadline was.

City Clerk O'Connell stated that it was December 8.

Mayor Digre asked if they were from various parts of town.

City Clerk O'Connell responded affirmatively.

Mayor pro Tem O'Neill stated that he could tell them why girl's softball doesn't have anything.

Mayor Digre stated that she would like to know.

Mayor pro Tem O'Neill stated that girl's softball and Joe DiMaggio team up every year, and by doing what they did, each year they each get funding and they split it in half and staff it. He stated that a non-profit can only do it every two years, and by having partners, they get their money every year and the staffing is easier because there are two organizations.

There were no public comments.

Mayor pro Tem O'Neill moved to accept the report as given; 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

**10. Body Worn Camera Implementation Plan**

**PROPOSED ACTION:** Move to accept the report on the implementation of body worn cameras at the Police Department and provide feedback.

Police Chief Steidle presented the staff report.

Councilmember Ervin thanked him for the presentation. She thought it was something that seems obvious to people when they don't think about all the issues that accompany decisions like this, but she was looking at everything and thought it was a step in the right direction on behalf of the police officers and citizens. She thought it was the way to go and she was grateful that they are being informed and that we are doing this.

Councilmember Nihart thanked him. She stated that the recordings they have already have proven invaluable in terms of the numbers of citizens who have been able to go down. She stated that, when you see the lights go on, you think about what you did and they get hyped up and are not paying attention as to how they are coming across and aren't hearing things exactly the same way, and they watch it on video and are surprised that it was a completely different scenario from what they remember. She thought it was essential for not just the public's safety and transparency which was paramount, but also for the officers' safety. She stated that she sees so many officers who are glad to have that evidence going forward, and not a he said/she said thing. She appreciated it and was glad they were doing it.

Police Chief Steidle thanked her. He agreed with her perception aspect, stating that it was huge. He stated that, when people come in to the station and are upset or complaining about something, they aren't lying. They believe what they are saying is the truth and then they watch it and react.

Councilmember Nihart stated that eye witness reports are faulty because people have different levels of emotional engagement and emotional adrenalin, and perception really is the editor of reality and the tape speaks for itself. She felt it was important.

Councilmember Keener thanked him for the report, especially the policy segment which shows they have put a lot of thought into it.

Mayor Digre thanked him and appreciated the strictness of it all.

Mayor pro Tem O'Neill moved to accept the report on the implementation of body worn cameras at the Police Department and provide feedback; seconded by Councilmember Keener.

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

**ADJOURN**

Mayor Digre adjourned the meeting at 9:00 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 5-0; 12/12/16

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Sue Digre, Mayor