



**CITY OF PACIFICA  
CITY COUNCIL MINUTES**

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

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

**January 09, 2017 (MONDAY)  
www.cityofpacifica.org**

Mayor Mike O'Neill called the meeting to order on January 9, 2017 at 7:03 PM

**CLOSED SESSION - NONE.**

**7:00 PM OPEN SESSION**

Call to Order

Mayor O'Neill called the meeting to order at 7:03 p.m.

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

Staff Present: Lorie Tinfow, City Manager; Michelle Kenyon, City Attorney; Lorenzo Hines, Asst. City Manager; Van Ocampo, Public Works Director; Tina Wehrmeister, Planning Director; Joe Spanheimer, Police Captain; Evan Albert, Deputy Dir. Public Works; Ray Donguines, Asst. Civil Engr; Mike Perez, PB&R Director; Kathy O'Connell, City Clerk.

Salute to the Flag led by Councilmember Digre

Closed Session Report

None.

**SPECIAL PRESENTATIONS**

Proclamation - Pacifica Tigersharks Cheer Team

Mayor O'Neill introduced the Pacifica Tigersharks Cheer Team and their leader.

Dave Mercurio stated that he was not the coach but the president. He thanked Council for inviting them then praised the team on winning the 2016 national cheer championship for Pop Warner for the first time in Pacifica's history. He then invited them up to receive their award, and they did a short cheer because of limited space. Mayor O'Neill then asked them to stay

while he read a proclamation from City Council honoring their accomplishment, mentioning the names of all members.

Councilmember Digre thanked them for all their hard work and for honoring Pacifica.

Councilmember Martin congratulated them.

Councilmember Vaterlaus congratulated them, adding that it was hard work.

Mayor O'Neill thanked them for coming and allowing them to enjoy their presence. They then took a picture with Councilmembers.

### **CONSENT CALENDAR**

Mayor O'Neill stated that they had a need to add an item to the agenda, asking the City Attorney to explain.

City Attorney Kenyon explained that it was an urgency item, which Council is authorized to add based on the fact that it was an emergency that came to the attention of staff after the posting of the agenda and met the required findings. She stated that the item was regarding the demolition of 310 Esplanade, explaining the situation that developed following the recent decisions approved on January 3 and itemizing the motions needed at this time.

Mayor pro Tem Keener recalled that SV Demolition was the lowest bidder and he asked if part of the increased cost was having to negotiate with another bidder.

City Attorney Kenyon explained that, at this time, the only item for consideration was whether it met the findings to place it on the agenda, then following that, Council can ask the specifics of the action staff was asking Council to take.

Councilmember Digre stated that she saw the necessity and would be glad to move to place it on the agenda.

City Attorney Kenyon stated that the motion would be that Council has found that there is an immediate need to take action and that need came to the attention of staff after the posting of the agenda.

Councilmember Digre moved that there was an immediate need to take action and that need came to the attention of staff after the posting of the agenda; seconded by Mayor pro Tem Keener.

5-0

City Attorney Kenyon stated that they now needed a motion to place it on the agenda.

Mayor pro Tem Keener moved that they place the item on the agenda; seconded by Councilmember Vaterlaus.

5-0

City Manager Tinfow stated that Public Works Dir. Ocampo will present a staff report and they will answer questions following the presentation of the report.

Public Works Dir. Ocampo presented the staff report.

City Attorney Kenyon added that they must adopt the resolution.

Mayor pro Tem Keener asked how much the original contract with SV Demolition was.

Public Works Dir. Ocampo stated that it was \$169,000.

City Manager Tinfow stated that the Council had appropriated \$218,650 for the project.

Mayor pro Tem Keener concluded that they were looking at roughly \$110,000 more.

Public Works Dir. Ocampo responded affirmatively.

City Manager Tinfow also agreed, adding that she was going to help Public Works Dir. Ocampo because he has been up for quite some time.

Public Works Dir. Ocampo stated "since Friday" adding that he wasn't kidding.

Councilmember Digre asked if they were rejecting all bids because they weren't sure the second bid covered this either.

Public Works Dir. Ocampo stated that when they solicited bids, it was based on passing the requirements for asbestos, but now that they know it is a greater percentage, they wanted to expedite it and have the benefit of good pricing.

Councilmember Digre asked if, because of the situation, they were going to a different type of company specifically dealing with demolition.

Public Works Dir. Ocampo stated that they will check the companies who placed bids, but would be exploring other companies as well to get the best price.

Councilmember Vaterlaus assumed SV Demolition was supposed to start January 9, and she asked how much more time they thought it will take to get a new company and then start.

Public Works Dir. Ocampo thought, if all goes well, it will probably take another week to get them aboard. He explained that SV Demolition applied for their DIR registration today and would have it within 24 hours so, even if they bid it out, they would have the required DIR registration.

Councilmember Martin asked confirmation that we have been through this before with 320, and if so, why didn't they check on the DIR registration before.

Public Works Dir. Ocampo stated that, when they did the demolition of 320 Esplanade, they had a different contractor. With SV Demolition, they thought that, having executed the agreement,

they had the registration. He stated that the registration is not required to submit a bid, but they discovered when they prepared the agreement that they didn't have the registration so they never entered into the contract.

Councilmember Martin asked if they were going to add it to staff's checklist prior to executing the agreement.

Public Works Dir. Ocampo responded that they definitely planned to add it to the checklist.

Councilmember Martin stated that she just wanted to be sure they didn't repeat this. She then asked if they might award the contract to SV Demolition.

City Manager Tinfow stated that they were asking that Council delegate the decision to the City Manager within the authority they were asking to be approved with this motion.

Mayor pro Tem Keener asked if SV Demolition would be included with the contractors they will be considering.

City Manager Tinfow responded affirmatively.

Mayor O'Neill asked if they would have public comment.

City Attorney Kenyon responded affirmatively.

Mayor O'Neill opened public comment.

**Tom Clifford, Pacifica**, stated that he hoped they will be getting some of the money back from the owner of the property whom he felt should be taking care of this rather than the city. He felt it was hard to see them spending money on something that does not benefit all of Pacifica.

**Bridget Duffy, Pacifica**, referred to democracy and stated that she sees more things being put in the hands of the City Manager. She then also questioned the city paying for personal property without more discussion among the people, although she stated that she had just arrived at the meeting and this was the first she had heard of it.

**Ken Miles, Pacifica**, stated that he concurred with the first speaker that the owner should pay for the cost. He mentioned placing a bond on properties in dangerous zones in anticipation of such a situation, adding that he thought they will have a problem collecting from the owner, commenting that, should it fall down the cliff, it could cost a lot more money.

Mayor O'Neill closed public comment.

Mayor pro Tem Keener asked if the City Attorney would give a brief summary of the actions taken in this matter to refresh their memory and inform the public.

City Attorney Kenyon stated that they have commenced criminal action against Millard Tong for both 310 and 320. They received a restitution order from criminal court for 320 and commenced criminal action on 310, but unfortunately, Mr. Tong has filed for bankruptcy so all his assets are frozen and in the domain of the bankruptcy court. She stated that they are one of the creditors in line for restitution of owed debt by Mr. Tong.

Mayor pro Tem Keener added that even the legal action they are taking costs money.

City Attorney Kenyon responded affirmatively.

Mayor pro Tem Keener asked how much that cost was, roughly, and whether it was on 320 and also on 310.

City Attorney Kenyon stated that they have spent approximately \$50,000 in legal fees so far, which included administrative hearings regarding yellow tagging and red tagging, where they have had to fight back with Mr. Tong's legal representatives, concluding that they have not had much cooperation from Mr. Tong in this situation, which she considered a nuisance.

Mayor pro Tem Keener asked about the distribution of the land underneath the building to be demolished.

City Attorney Kenyon stated that they were leaving it as privately owned, but they were concerned, as was mentioned, regarding the further damage to property, as well as lives, if the building were to fall from the cliff. They were treating it as a nuisance and abating it as expeditiously as they can and recover as much as possible from the property owner.

Councilmember Vaterlaus asked what order the city falls in regarding the bankruptcy losses.

City Attorney Kenyon stated that it was their understanding that his debt exceeds his assets. The banks are first in line and, while the city is second, they don't know if more assets may be found that they don't know about yet.

Councilmember Martin asked if there was any possibility of the city negotiating with the owner for the land and possible imminent domain. She thought that might be a separate discussion, as now they were dealing with an emergency and have to make some decision.

Mayor O'Neill stated that they have to decide if they are going to authorize the City Manager to negotiate a contract for \$330,000.

Councilmember Martin acknowledged that they have to approve the funds and authorizing the City Manager to make the decisions. She agreed that it was an emergency and not approving the funds could be a more costly decision if something worse happens. She thought they need to decide on allowing the City Manager to make those decisions.

Mayor O'Neill compared the cost of doing the demolition now as compared to what it would cost if the building fell down the cliff and created dangers from asbestos, etc., to the beach and ocean. He thought \$330,000 was a more reasonable cost than the possibility of \$3 million should that scenarios happen. He felt that, while no one wants to assume the costs, on looking at the long term possibilities, it made the most practical business decision, adding that he also had no problem giving authority to the City Manager to manage the \$330,000 to negotiate an expedited contract versus another meeting, a waiting period for going out for bids.

Mayor pro Tem Keener stated he would make a motion if there was no further discussion.

Mayor pro Tem Keener moved to rescind the award of the construction contract to SV Demolition, reject all bids received and authorize the City Manager to negotiate and execute a construction contract for the hazardous materials abatement and demolition of 310 Esplanade

Avenue, rescind Resolution No. 01-2017, allocate up to \$330,000 from Fund 30 for this project and adopt new resolution that summarizes these actions; seconded by Councilmember Martin.

5-0

Councilmember Digre stated that she had a correction to the minutes, referring to Katrina Real giving a proclamation, stating that her name was not recognizable.

City Manager Tinfow asked if she had a page number.

Mayor O'Neill asked if staff could make note of that and allow them to move on with the meeting.

Councilmember Martin asked if it was okay for them to vote on the minutes when they were not in attendance and not on Council at that meeting.

City Attorney Kenyon stated that they can't vote on the minutes unless they reviewed the tapes or watched what transpired and was present, and short of that, they should abstain.

Councilmember Martin stated that she would abstain from the second consent item.

Councilmember Vaterlaus stated that she would abstain also.

City Attorney Kenyon stated that she must mention the item.

Councilmember Vaterlaus stated that she would abstain from the second item.

Mayor O'Neill suggested that they remove the minutes from the consent calendar, and asked that she amend the motion.

Councilmember Vaterlaus moved that they approve the consent calendar with the exception of Item #2, approval of the minutes; seconded by Mayor pro Tem Keener.

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

1. Approval of Disbursements for 11/16/16 through 12/15/16  
**PROPOSED ACTION:** Move to approve attached list of disbursements for 11/16/16 through 12/15/16.
2. Approval of Minutes  
**PROPOSED ACTION:** Move to approve the minutes of the regular City Council meeting held on December 12, 2016 and the Special City Council meeting held on December 14, 2016.

Mayor pro tem Keener moved approval of the minutes, Item #2; seconded by Councilmember Digre.

Councilmember Digre pointed out that Ms. Rill's name was correct in the initial comments, but was misspelled when her name was mentioned a second time.

3-0-2

3. Proclamation Confirming Existence of Local Emergency of the Pacifica Coastline from Westline Drive to the End of Beach Boulevard.  
**PROPOSED ACTION:** Accept current photos as of January 4, 2017, (Attachment 2) and move to continue proclamation confirming the existence of local emergency.
  
4. Resolution Authorizing Disposal of Certain Obsolete City Documents and Papers  
**PROPOSED ACTION:** Move to adopt a "Resolution of the City Council of the City of Pacifica Authorizing Disposal of Certain Obsolete City Documents and Papers."
  
5. Approval of Consultant Agreement Between the City of Pacifica and Freyer & Laureta, Inc. in the Amount of \$59,130 for Providing Civil Engineering Services to the Collection System Project FY2016-17  
**PROPOSED ACTION:**  
Move to approve the attached Consultant Agreement between the City of Pacifica and Freyer & Laureta, Inc. In the amount of \$59,130 for civil engineering services needed complete to the Collection System Project FY2016-17 (Project No. C005D) which includes the Lockhaven Drive site, Juanita Avenue site, and Linda Mar Boulevard site; and authorize the City Manager to execute contract.

### **ORAL COMMUNICATIONS**

**Laura Fanucchi of HIP Housing**, stated that she was present to give the Council the HIP Housing calendar, and then reported on the various programs and property they manage in San Mateo County and described the buildings they acquired and others they manage, and detailed what they have accomplished in 2016 through their programs to help people find affordable housing, mentioning that, in Pacifica, over 125 people contacted their organization and they have provided various housing arrangements for most of them.

**Tygarjas Bigstycck, Pacifica**, stated that the first time he spoke before Council was on the plastic bag ordinance, adding that he was grateful that it was a statewide program. He stated that during that Council meeting, friends made him aware of the Resource Center for the first time, He stated that, after hearing that his friends were helped by the PRC, he then started looking for opportunities to help. He stated that he was made aware of that program possibly being defunded by the city's budget, and was a few years later. He then requested having that program put back into the General Fund, especially when he saw PRC's response to residents affected by the storm damage by being displaced. He felt they needed to have secure funding and it would make sense to put them back into the General Fund in a secure funding category. He was requesting that they do that for the future.

**Tom Clifford, Pacifica**, stated that he was speaking as a private citizen. He mentioned that he gave them a handout regarding things to do in 2017. He would like them to deal with the increased pension obligations through CalPers, which have not gotten returns at the rate they said, but much lower. He concluded that costs were going up and they needed to plan for that rather than wait for a bill from CalPers. He then suggested they move away from bond funding

to a more fiscally responsible funding strategy, and set up a plan to put money aside to fund projects, getting twice as much for their money. He thought they need to put in place a repayment plan for funds borrowed from the street fund and loaned to the Capital Improvement Fund. He stated that they need to complete the General Plan which is ten years past due.

**Gordon Tannura, Pacifica**, stated that he was a board member of the Pacifica Resource Center. He thanked Tygarjas Bigstycck for the introduction, then stated that he was giving them an update on the expansion project for PRC for the last 1 1/2 years. He mentioned that they passed the final fire inspection and will complete Planning's inspections the following Wednesday and will have full occupancy status for the new building. He thanked everyone who helped achieve this milestone for the center to better meet the needs of their clients and community. He then read an appreciation report for many City employees in all the help they afforded the PRC. He then extended an invitation for the grand opening of the center on January 28, mentioning that it contributes to the Palmetto Beautification Project. He then mentioned a fundraiser at the Surf Spot on the following Thursday. He agreed with Tygarjas Bigstycck's request that they be included in the General Fund again.

**Bridget Duffy, Pacifica**, stated that she feels that there are 4,000 people behind her when she speaks because they voted for her even though she was tagged as an unviable candidate by the political elite. She referred to Trump and stated that democracy is hanging in the balance. She thought precursors to this was lack of citizen involvement with our government, stating that they have not been teaching Civics or encouraging it in schools for a long time even among adults. She stated that there was a group meeting on Sunday, and she wanted to attend and start a fundraiser to go to Washington, DC and protest the inauguration and be part of the Million Women March the day after, adding that the permits were pulled by the not-elected president of the United States. She didn't know how he could get away with that, but she thought there were a lot of women who will show up and say no. She stated that, if she can't raise enough money, she will go to San Francisco. She concluded that a government for the people, by the people and of the people is, in a nutshell, what many people have thought and died for for hundreds of years. She felt that it was a solemn duty for Americans to get involved and stand up for democracy and push for the democracy. She felt the housing issues was shameful. She stated that Pacifica has not addressed the housing issue which was quickly turning into a humanitarian issue and she hoped the new government addresses it.

## **COUNCIL COMMUNICATIONS**

Councilmember Vaterlaus stated that she attended the grand opening of the new 7-Eleven with the City Manager. She thought it was a nice place, and suggested that people visit it, as visiting new businesses was important to our city.

Councilmember Martin referred to an event called Build a Beloved Community, mentioned by Bridget Duffy, to share dreams for Pacifica and beyond. She stated that it will be on Sunday afternoon at the Pacifica Coastside Museum, 1950 Francisco Blvd. She then referred to MLK Day, stating that the Pacifica Beach Coalition was sponsoring their annual planting on January 21 in the morning at Linda Mar with a beach cleanup first, then the planting.

Councilmember Digre stated that she attended a North County Peninsula Partnership which was planning a family forum to help students and parents to network and interact with each other and talk about issues that affect each of them. She also attended the Smart E-Mobility Conference, with a minister from the Netherlands who, with California, were leaders in intelligent transportation and electric cars, etc. She stated that it was interesting and they will be hearing

more. She stated that they will need charging stations and Pacifica should be attentive. She spoke to a donor and stated that he mentioned that he has been to Pacifica and called it a place of destination. She stated that the Airport Roundtable has a meeting at the airport on January 12 in the evening. She stated that the FAA has until February to respond to Pacifica's responses but she thought they were ready to respond at this meeting.

### **STAFF COMMUNICATIONS**

None.

### **PUBLIC HEARINGS**

None.

### **CONSIDERATION**

6. Discussion of the SFO Roundtable's Efforts to Convince the Federal Aviation Administration and the Airline Industry to Reduce Aircraft Noise Over Pacifica  
**PROPOSED ACTION:** Discuss the issues associated with noise and other impacts generated by aircraft flying into and out of San Francisco Airport, and provide feedback to Council member Digre to support her efforts to represent Pacifica residents' concerns.

City Manager Tinfow presented the first portion of the staff report, then Councilmember Digre completed the report.

Mayor pro Tem Keener stated that he would summarize a short version of what Councilmember Digre reported. He stated that previously planes flying south to LA and other destinations would take off from SFO, flying north over the bay, turn over, fly to the ocean and then turn south. He stated that the change was that they turn south sooner and fly over Pacifica. He thought the main driver was fuel efficiency or fewer miles to their destination. He thought a shorter flight time was probably advantageous to the airlines. He concluded that, in doing that, they didn't consider the people on the ground and was the source of all the complaints encountered. He stated that she mentioned CNL's, the FAA's measurement of noise, which was a 24-hour average of noise and it was only good within a half mile of the airport and anything else doesn't register to them. He referred to legislation in Congress, stating that Congresswoman Speier was forthright on the issue with an aide who was a former pilot and was a help. He thought it was up in the air which path(s) they will go down, and he encourages them to keep fighting the good fight.

Councilmember Digre commented that Mayor pro Tem Keener has attended at least 90% of the many meetings.

Mayor pro Tem Keener surmised only 50%.

Councilmember Martin approved and was willing to help out in any way. She stated that she has been following it, but not as closely as they have and was unaffected by it. She agreed that health should be the top issue. She stated that she has heard the stories and she thought it was disheartening. She mentioned that, on NextDoor, you will see many posts stressing it being unhealthy. She asked her to let her know how she can help.

Councilmember Vaterlaus stated that she attended two meetings and has heard complaints

from citizens, and she thought it was the top item she has heard so far as a new councilmember. She acknowledged that everything takes time but she encouraged them to keep on pushing.

Mayor O'Neill stated that his concern was that they have achieved better results in Palo Alto with the air posse.

Councilmember Digre stated that he wasn't talking about the select committee as they don't call themselves the posse so that must be a private group.

Mayor O'Neill explained that the select committee were the three congressional people as representatives from the local area for that.

Councilmember Digre asked if he was referring to Mr. Simitian.

Mayor O'Neill stated that Simitian is the county supervisor in Santa Clara, but he was talking about three congressional people involved, Eschew, Farr and Speier. He assumed that the select committee she mentions was made up of representatives of local government and communities.

Councilmember Digre agreed, adding that there were two select committees.

Mayor O'Neill agreed, stating that one was for arrivals.

Councilmember Digre stated that San Francisco Roundtable has been for arrivals and departures and covers Oakland also. She stated that the newer one was mostly arrivals and they have members from the San Francisco Roundtable as well.

Mayor O'Neill asked what the second select committee does.

Councilmember Digre stated that they were looking into arrivals from their area.

Mayor O'Neill asked what area they were.

Councilmember Digre stated Atherton.

Mayor O'Neill asked which airport.

Councilmember Digre stated that they were only dealing with San Francisco Airport.

Mayor O'Neill concluded that they were not having issues with San Jose Airport.

Councilmember Digre stated she brings it up all the time with the SFO, and in her opinion, they need to be aware of San Jose and do talk about it, but she stated that, when she was at the inauguration of the South County Select Committee, the chair person was Simitian who said they would not be talking about Oakland, but only San Francisco.

Mayor O'Neill concluded that no one was talking about San Jose. He mentioned the letters and stated that he didn't know if he has seen the attachments A-E.

Councilmember Digre stated that those were on the San Francisco Airport Roundtable site all

the time, and they should be on the Pacifica website as a link.

Mayor O'Neill asked if she could give a description of the over arching concerns.

Councilmember Digre stated that she listed all of them, and the only one found with which she didn't totally agree was in Attachment A which stated that noise should be equal to efficiency and safety. She stated that her position was that noise should be a higher priority than efficiency.

Mayor O'Neill asked what the executive working outline was.

Councilmember Digre stated they go through every area, approximately 42 pages.

Mayor O'Neill asked if it was what they had at her forum.

Councilmember Digre stated that this came after, explaining that at the forum, they went through everything that existed before and were upset about and this one came after, around November 2 or 16, and on scrolling you will find it, which was approximately 65 pages.

Mayor O'Neill stated that it wasn't in the staff report.

Councilmember Digre agreed that it was not, adding that they have had them before because they brought them up.

Mayor O'Neill asked if it was SFO Roundtable.

Councilmember Digre stated it was SFORoundtable.org and, if you go on it, you will see the letter and Attachment A which shows all the over arching concerns which was sent to the three Congress members.

Mayor O'Neill asked if they were talking about meetings, Noise 101 or agenda work program.

Councilmember Digre asked if he was talking about the over arching concerns.

Mayor O'Neill responded affirmatively.

Councilmember Digre stated that it was the letter.

Mayor O'Neill stated he was going to the Roundtable website where she stated had the information. He asked what heading it was under.

Councilmember Digre stated that it was the first one, Roundtable Response to FAA.

Mayor O'Neill asked what they were complaining about.

Councilmember Digre stated it was all the things she mentioned.

Mayor O'Neill stated that he doesn't see any outreach to other areas, such as Phoenix, New York, and one in the Midwest that were having the same issues, but there was no united group across the country doing it.

Councilmember Digre stated that the group of advisors from Pacifica and anyone on the email

list were talking about everything, not only in this nation, but beyond. She stated that the SFO Roundtable was not doing that, but was busy working with the FAA. They put out their positions, they respond, going back and forth, and on January 12, they were going to respond again to the positions on Attachment A. She stated that she found on the FAA website that they can make administrative changes and operational changes. She thought something may come, but even if they do get some changes, she was still recommending that this Council push for legislative changes for SFO to have a legislative subcommittee for SFO legislators to study the current data on noise measurements. She thought they already have enough data on negative impacts of health and they look for a noise data for new equipment, changing the CNLs that are too high and affecting the footprint. She encouraged Council to do that and insist that noise impacts are a higher priority than efficiency. She thought, until they do that, they can't ever be sure that the powers that be will give them the satisfaction of health over profitability.

Mayor O'Neill stated that he didn't disagree with her regarding noise being a priority over the efficiency. He thought staff wants direction from Council after this as what to move forward with.

City Manager Tinfow stated that the recommended action on the report was to provide feedback to Councilmember Digre as she gears up for her next meeting and will have the benefit of feedback/suggestions, etc.

Mayor O'Neill opened public comments.

**Ken Miles, Pacifica**, stated that Councilmember Digre has worked very hard with their committee, as well as the SFO Roundtable Committee. He stated that, as a 45-year-resident, he has never heard anything from Fred Howard about anything going on, and now they were getting a lot of action. He added that times have changed, stating that they are having more flights coming over Pacifica, much lower, and mentioning that they were about 70% capacity at SFO, and they have 30% more that they can grow, and the population in San Francisco is reaching a million and he thought they will see more planes flying out of San Francisco. He mentioned that they already see planes leaving after midnight and before 6 am. He stated that he has been awakened a number of times from planes, especially during the storms. He stated that it almost looked like you could touch the planes coming in from the northwest. He agreed that something has to happen soon before more than noise disaster occurs. He thought it was a convoluted situation with federal employees, stating that, as a former federal employee, he thought it was very difficult to make a federal agency budget, which was why the FAA was not budgeting. He felt they needed all the political clout possible, such as Don Horsley and communities such as Brisbane who are as equally impacted as Pacifica. He stated that Phoenix worked with surrounding communities and did something even if not a full win, but they managed to do something. He thought this letter was a first step of making demands on FAA, and they have keep doing more and do a better job.

**Avram Frankel, Pacifica**, stated that he lives in East Sharp Park. He appealed with Council to engage more directly on this issue. He thought NexGen was implemented 1 1/2 years ago. He stated it was a complex program but the affects on Pacifica are not that complex. He stated that there are two departures affecting Pacifica, the southbound being one. He stated that FAA has already told the San Francisco Roundtable that it can be changed, and he thought the question was when, which he thought was a political issue. He stated that the other change that has occurred was not a change of procedure but a change in application by FAA at SFO with the GAP departures, and he thought those were much bigger noise impacts than the southbound

departures. He was happy to get into technical details, but he stated that the sounds heard over the Council chambers were the gap departure flights, not southbound flights. He stated that the gap departure flights are between 1,750 and 3,000 feet, much louder, going to Asia, East Coast. He asked that they not do the things that don't work. He stated that the San Francisco Roundtable was a consensus based organization with a long history with great people, but it was not going to address Pacifica's issues. He stated that Pacifica's issues need to be addressed by Pacificans and our elected officials. He recommended that they get up to speed on what was happening in the South Bay, stating that select committees were formed and success has been had with the FAA because SU got involved directly with the FAA regional ministry and that was what they need to have happen in Pacifica, specifically the Councilmembers engage with Jackie Speier to get the same kind of results that SU got with the FAA. He stated that all the other issues, such as health, were all true but they won't have a legislative solution, not going to change the way noise is measured which will take ten years, and they need short term action and it has to be political through our US representative, dealing with the FAA. He thought a lawsuit might work, but history has shown it hasn't worked that well. He stated that what worked was what happened in the South Bay for Santa Cruz Mountain select committee where they got the FAA to agree to some potential changes. He asked Council to engage on that level.

**Bridget Duffy, Pacifica**, stated that she wanted to commend Councilmember Digre for all her work in this area. She felt she has been a champion and she admitted that, when she first heard about it, she thought there were other problems, but when she attended the meeting and saw her bravely stepping up with what she was saying, specifically the health issue, she thought it was amazing and putting our humanity before profits. She thought airplane pollution was high on the list of the environment. She stated that people were encouraged not to fly as much as they used to because of the carbon emissions, adding that they were coming out with some new planes that are light driven. She was sure they were quieter and she hoped the future was going in that direction. She added that there were a lot of flights that would be unnecessary if we had a high speed, efficient light rail system. She thought they were standing at the crossroads and going into a future that takes different things into consideration. She thought they were brave to have the foresight to look into the future of priorities. She agreed that profitability should not take precedence over human health issues.

Mayor O'Neill closed public comments.

Mayor pro Tem Keener referred to the attachments to the letter from the SFO Roundtable, stating that they had a consultant and the aide to Jackie Speier who had experience in the industry and they told the Roundtable what they were likely to get from the FAA and what they were not. He thought Attachment B included what the Roundtable thought the FAA can move on, adding that one of the speakers said the problem was that the FAA was not going to move fast if at all. He thought the Roundtable has clearly articulated what they want, but everyone is saying it is not happening quickly enough, which is the major issue.

Councilmember Digre stated that people are getting exasperated and frustrated because they were concerned that San Francisco was the big city and rules, and their rich areas are more powerful because they are rich, as well as some of the south county communities which are richer and will be heard more. She stated that was a concern among people in the northern areas and areas in San Francisco that were not considered the rich areas and are also affected. She stated that was in the mix, as well as whether residents continue to complain. She stated that SFO will say they have enough complaints to get it, but the people feel that, if you don't complain they can consider that there are fewer actual complaints in Pacifica. She referred to

the South County select committee, stating that she couldn't imagine that they were able to achieve more because of a meeting with Congresswoman Eschew or Farr. She thought Jackie Speier has a reputation of being a tiger and, in the meetings with her, when she heard there was a legislative judge that made a comment about something, she commented that they could deal with a legislative judge. Councilmember Digre stated that she can't imagine that she has decided not to listen to Pacificans, adding that Congresswoman Jackie Speier has no problem having a meeting with her. She stated that Supervisor Pine was also no shrinking violet and was a member of SFO and was attentive to the South County select committee. She thought noise, and being out there, was good to make that an official request. She thought they will learn a lot on the 12<sup>th</sup> or will be totally frustrated. She hoped that the Roundtable uses its legislative subcommittee, as she felt that was a way of a group of elected officials representing the cities for departures and arrivals that they need them to look at the data they have which affects their communities and legislate and mandate things quickly so the FAA can actually do something, adding that right now, the FAA mandate is efficiency.

Mayor O'Neill commented that, based on what she said, "Moses is coming down from Sinai with some information." He suggested that they give direction to staff and then move this to the next agenda for a report on what happens on the 12<sup>th</sup>. He asked if they take minutes.

Councilmember Digre stated that they do take minutes.

Mayor O'Neill asked if they would be available for the next Council meeting to read them.

Councilmember Digre asked if that was the 20<sup>th</sup>.

City Manager Tinfow stated it was January 23.

Councilmember Digre thought they would be available by then.

Mayor O'Neill suggested that the Council get a copy of the minutes for the January 12 meeting. He asked if they want to give direction to staff now or wait until after the meeting on the 12<sup>th</sup>.

Councilmember Martin thought they should wait.

Mayor O'Neill stated that they will get the minutes for the next Council meeting and then Council will give directions to staff on that date.

City Manager Tinfow asked, if they can't get the minutes by that date, whether they want to wait to bring this back until they have the minutes in hand.

Mayor O'Neill asked Council for their preference.

Councilmember Digre thought they would be able to know after the 12<sup>th</sup> as the Roundtable will know where they stand. She stated that they have a meeting for February 1 and at that time they would talk about their next steps.

Mayor O'Neill asked if staff was clear.

City Manager Tinfow stated that they will bring those minutes to Council and put another report together to give them a chance to discuss, along with having a report from Councilmember Digre. She stated that they would then love to have any further direction from Council.

Councilmember Digre encouraged them to go to the November 16 meeting on the website with the responses to FAA and look at all the documents, especially the cover letter. She stated that there are other stakeholders which the cover letter delineates, such as airlines, dispatchers, etc. She felt it was a good idea to contact the airlines to talk about possibilities, adding that she didn't know if Council wanted to go that far.

Mayor O'Neill thought it was a waste of time as they were dealing with bean counters and they are looking at what is best for their shareholders, and they needed to go to the public agency that will enforce the rules. He stated that he was made aware that, in San Jose, planes cannot land after 11:00 or 11:30.

Councilmember Digre agreed, adding that they had all kinds of reasons for that.

Mayor O'Neill stated that SFO started in 1941 or 1942, but San Jose was a more recent vintage. He asked if there were further comments.

Councilmember Martin thanked Councilmember Digre.

Councilmember Digre stated that she has some information on the two main goals of the 12<sup>th</sup>, to get an update from the FAA regarding our response document to establish a timetable for implementation of recommendations and to create a performance matrix to evaluate the consistency of flying the routes in a manner that reduces noise impacts on our communities.

Mayor O'Neill asked if they will be in written form.

Councilmember Digre stated that those were the goals of the meetings.

Mayor O'Neill asked if they will be written to become part of the packet.

Councilmember Digre thought they would be.

Councilmember Martin asked her to repeat the second goal.

Councilmember Digre reiterated that they would create a performance matrix to evaluate the consistency of flying the routes in a manner that reduces noise impacts on our cities. She stated that she didn't find it on the website, but that was what she was told.

Mayor O'Neill asked, if they are in written form, that they become part of the packet.

City Manager Tinfow stated that she can do that.

<b>RESULT:</b>	<b>NO VOTE REQUIRED</b>
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- 2017 City Council Liaison and Committee Assignments  
**PROPOSED ACTION:** Update the City Council Liaison and Committee Assignments for 2017

Mayor O'Neill stated that this item was regarding City Council liaison and committee assignments and he thought it was their chance to grab with gusto any of the items on which they would like to participate. He asked that they pay attention to those highlighted in yellow as

they were held by former Councilmembers Ervin and Nihart. He asked their preference on how they handle it, naming the title and then volunteer or list their own.

Councilmember Digre stated that, with all the committees she is on, they want an alternate, and she recommended that Council consider that alternates try to be at the meetings if possible.

Mayor O'Neill asked clarification that, on her committees, she wanted the alternate to attend the meetings even when she was present.

Councilmember Digre responded affirmatively, especially when it was a complicated issue.

Mayor O'Neill mentioned ABAG, giving a brief explanation, and acknowledged Councilmember Vaterlaus volunteering.

Councilmember Digre stated that she wouldn't mind being an alternate.

Mayor O'Neill acknowledged her as the alternate. He then mentioned Airport Community Roundtable.

Councilmember Digre stated she would like to stay on that one.

Mayor pro Tem Keener stated that he would volunteer if the mayor wanted to give that up.

Mayor pro Tem O'Neill mentioned the Beautification Advisory Committee.

Councilmember Digre stated that it was usually the mayor.

Councilmember Martin stated that she could be the alternate.

Councilmember Digre stated that there were two, the mayor and one other one.

Mayor O'Neill confirmed that they meet the first Wednesday in the month.

Councilmember Digre stated that you need another person.

Mayor O'Neill thought it was him and Councilmember Martin would be the alternate.

Councilmember Digre stated that you need two unless they go to one.

Councilmember Martin stated that the two were Ervin and Digre and she asked if she was not on it anymore.

Councilmember Digre responded that she was not.

Mayor O'Neill commented that nothing else has two except for the Library Advisory and Economic Development. He asked if Council wanted two or one.

Councilmember Digre stated that it was moving along.

Mayor O'Neill thought one was sufficient, concluding it was him. He then mentioned that, for CCAG, he was going to do that, but it will require a vote as he will need a letter stating that Council authorized him to be the representative. Next was Colma Creek Flood Control.

Councilmember Digre stated she was fine staying on that one.

Mayor pro Tem Keener stated he was also fine staying on as the alternate.

Mayor O'Neill mentioned the Economic Development Committee was Digre and Ervin and he was the alternate.

Councilmember Digre was happy on that.

Mayor O'Neill asked if anyone wanted the second position.

Councilmember Digre stated that they have two on that one.

Mayor O'Neill agreed that it has always been two. He was looking at the calendar to ensure there are no conflicts. He stated he would be the second position, and asked Mayor pro Tem Keener if he was willing to be the alternate.

Mayor pro Tem Keener agreed that he was okay as the alternate.

Mayor O'Neill mentioned the Emergency Preparedness and Safety Commission, stating that they need an alternate.

Councilmember Martin stated that she could be the alternate.

Mayor pro Tem Keener stated that he has had numerous conflicts with this this.

Councilmember Martin stated that she could take the primary.

Mayor pro Tem Keener stated that he was okay being the alternate.

Mayor O'Neill mentioned Emergency Services Council SMC, with Councilmember Digre as the primary.

Councilmember Digre stated that she was fine, adding that it was an odd time at 5:30 and she didn't know if working people were available.

Mayor O'Neill asked where they meet.

Councilmember Digre stated that they meet at the County Courthouse.

Mayor O'Neill commented that they met three times a year.

Councilmember Digre stated that they usually met on Tuesday or Thursday.

Mayor O'Neill stated that they need an alternate, commenting that no one volunteered. Then he mentioned the Fog Fest Committee Liaison, acknowledging Councilmember Vaterlaus volunteering. He then mentioned Housing Endowment and Regional Trust.

Councilmember Digre stated that she was happy on that, adding that an alternate would be good.

Mayor O'Neill acknowledged Councilmember Vaterlaus as the alternate. He then mentioned Housing Our People Effectively.

Councilmember Digre stated that they go together.

Mayor O'Neill asked if Councilmember Vaterlaus wanted to be the alternate for that as well.

Councilmember Vaterlaus responded that she would.

Mayor O'Neill mentioned Illegal Fireworks Task Force, adding that it was new and they haven't interviewed for members, and he will stay as the liaison. He stated that it was short term and he didn't think they will need an alternate. He mentioned Joint School District/Water District/City Articulation Committee, which was once a quarter. He stated that he and Mayor pro Tem were on it. He was happy staying on it.

Mayor pro Tem Keener stated he was fine staying on it.

Mayor O'Neill mentioned Library Advisory Committee/Library Liaison Subcommittee, adding the Councilmember Martin was interested in that. He acknowledged that it will be Councilmembers Vaterlaus and Martin. He mentioned North County Fire Authority, adding that he was happy being on that.

Councilmember Digre was fine with that unless someone else wants to be on it.

Mayor O'Neill mentioned Open Space Parkland Advisory Committee.

Councilmember Digre stated that she would like to stay on that.

Mayor pro Tem Keener also was okay with staying on it.

Mayor O'Neill mentioned Pacifica Community Television, adding he was happy to stay on that.

Councilmember Digre stated that she was fine staying as the alternate.

Mayor O'Neill mentioned the Pacifica Resource Center.

Mayor pro Tem Keener stated that he would like to give that up.

Councilmember Martin stated that she will take the primary.

Mayor pro Tem Keener stated that he was okay with being the alternate.

Mayor O'Neill mentioned Pacifica School Volunteers. He asked when they met.

City Manager Tinfow was not sure.

City Clerk O'Connell was also not sure.

Mayor O'Neill thought it was a daytime meeting. He stated that he will do it subject to when the time was, with Councilmember Digre staying as alternate. He mentioned the Peninsula Clean Energy Advisory Committee.

Mayor pro Tem Keener would like to keep it, adding that it was no longer the Advisory Committee but the JPA.

Mayor O'Neill asked that they change the name.

City Manager Tinfow asked Mayor pro Tem Keener for the meeting schedule.

Mayor pro Tem Keener thought it was the second or fourth Thursday of the month. He stated that they probably need an alternate, adding that he hasn't needed one yet.

Councilmember Martin stated that she could be the alternate.

Mayor O'Neill mentioned Peninsula Congestion Relief Alliance.

Councilmember Digre was happy to continue on it.

Mayor O'Neill was happy to be the alternate. He mentioned SMC JPA Advanced Life Support.

Mayor pro Tem Keener stated that he will keep that unless someone wants it. He then thought they should farm that out.

Councilmember Digre thought they only meet quarterly.

Mayor pro Tem Keener responded affirmatively, adding that a lot of them were canceled, but they have the one budget meeting where they have to get everyone there.

Councilmember Digre asked if they met in Hillsborough.

Mayor pro Tem Keener stated that he could not remember, adding that, if someone wants to take it, he would be thrilled.

Councilmember Digre stated that she didn't mind going.

Mayor O'Neill suggested that they reverse with Councilmember Digre primary and Mayor pro Tem Keener is alternate. Mayor O'Neill stated that he would like to stay on the next one, the Library JPA, as primary, with Councilmember Vaterlaus as the alternate. He mentioned the SMC Transportation Authority, stating that he didn't think they can appoint that. He thought that has to be elected by CCAG. He mentioned the Successor Agency Oversight Board, stating that it was leftover from Redevelopment and he questioned what they do now.

City Manager Tinfow stated that they are winding down their activities.

City Attorney Kenyon added that they do need to appoint someone.

City Manager Tinfow agreed. She stated that they will be having a meeting.

Mayor pro Tem Keener stated that he would like to take it on.

City Manager Tinfow stated that she will give him a briefing on it.

Mayor pro Tem Keener stated that he has kept up with it over the last two years. He stated that, on the Library JPA, the mayor was primary and he asked Councilmember Digre if she was okay as the alternate.

Councilmember Digre stated that she was, but if he wanted to take it, she was okay with that.

Mayor pro Tem Keener stated that he didn't want it.

Mayor O'Neill asked Councilmember Vaterlaus if she wanted to be the alternate.

Councilmember Vaterlaus responded affirmatively.

City Manter Tinfow asked if they had an alternate for the Successor Agency.

Councilmember Martin stated that she would be the alternate.

Mayor O'Neill stated that they can't appoint LAFCO or CCAG and they stay as is. He mentioned Domestic Violence Council, adding that he knew nothing about that agency or committee.

Councilmember Digre stated that she was happy to take it, adding that they don't know when they meet.

City Manager Tinfow stated that the last item was an asterisk, meaning it was appointed by another agency.

Mayor O'Neill acknowledged that, adding that LAFCO should also have an asterisk.

Mayor pro Tem Keener asked if they should have an alternate for the CCAG representative.

Councilmember Digre thought that was important.

Mayor O'Neill agreed, asking if he was volunteering.

Mayor pro Tem Keener mentioned that they met on the second Thursday, stating that he was not volunteering.

Mayor O'Neill asked for an alternative for CCAG. He acknowledged that Councilmember Vaterlaus volunteered. He then asked if the City Clerk wanted to read them back.

Councilmember Martin stated that she wanted to discuss the idea of having an official relationship with the Pacifica Beach Coalition, and, if so, she would volunteer for the primary on that. She stated that Council gets reports from them, do a lot of work with Public Works and the city and she thought it would make sense to have an official relationship.

Mayor O'Neill stated that he didn't have a problem with that. He asked if they need to make a motion.

City Attorney Kenyon stated that they would need a motion as it was not on the agenda. She stated that they should have a formal motion to adopt all the positions.

Mayor O'Neill asked if she could bring back a formal motion for liaison for the Beach Coalition. He asked if they need to be reviewed.

City Attorney Tinfow asked if they would like them read back to be clear.

City Clerk O'Connell then read all the agencies and the representatives.

Mayor pro Tem Keener mentioned that, with the Joint School District/Water District/City Articulation Committee, he thought they should have an alternate as he missed several meetings.

Councilmember Vaterlaus volunteered to be the alternate.

City Clerk O'Connell continued with reading the list.

Mayor O'Neill stated that they will bring back a motion for adding the Beach Coalition with Councilmember Martin as the liaison. He asked if anyone wanted to be an alternate.

City Manager Tinfow stated that the City Attorney said they have to bring it back to even discuss it, and they can talk about who was going to serve on that then. She stated that it will give staff a chance to bring it back in final version, have the discussion, and then they can amend it.

Mayor O'Neill stated that there was a CCAG meeting on the 12<sup>th</sup>.

Mayor pro Tem Keener thought they should vote on that.

Mayor O'Neill agreed, adding that they need to vote on that so he can be the legal person.

Mayor pro Tem Keener moved that Mayor O'Neill be appointed the CCAG representative from the Pacifica City Council; seconded by Councilmember Martin.

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

### **ADJOURN**

Mayor O'Neill adjourned the meeting at 9:14 p.m., thanking all the city staff for all the work they did for the past three days. He mentioned that 26 trees came down and 33 calls for help, sewage overflows. He commended staff for their fine work, adding that this morning, following the landslide on Highway 1, Captain Spanheimer was directing traffic for 12 hours.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 5-0; 1/23/17

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Mike O'Neill, Mayor